

No. 1852

**UNITED STATES OF AMERICA
and
ITALY**

Exchange of notes (with enclosures) constituting an agreement relating to the extension of time for fulfilling the conditions and formalities of the copyright laws of the United States of America. Washington, 12 December 1951

Official text of the exchange of notes: English.

Official texts of the enclosure: English and Italian.

Registered by the United States of America on 23 September 1952.

**ÉTATS-UNIS D'AMÉRIQUE
et
ITALIE**

Échange de notes (avec pièces jointes) constituant un accord relatif à la prorogation des délais impartis pour remplir les conditions et les formalités prescrites par les lois américaines sur la propriété littéraire et artistique. Washington, 12 décembre 1951

Texte officiel de l'échange de notes: anglais.

Textes officiels de la pièce jointe: anglais et italien.

Enregistré par les États-Unis d'Amérique le 23 septembre 1952.

No. 1852. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND ITALY RELATING TO THE EXTENSION OF TIME FOR FULFILLING THE CONDITIONS AND FORMALITIES OF THE COPYRIGHT LAWS OF THE UNITED STATES OF AMERICA. WASHINGTON, 12 DECEMBER 1951

I

The Italian Ambassador to the Acting Secretary of State

AMBASCIATA D'ITALIA
WASHINGTON, D. C.

No. 13367

December 12, 1951

Honorable Sir :

I have the honor to inform you that the attention of the Italian Government has been invited to paragraph (b), section 9 of title 17 of the United States Code, codified and enacted into positive law by the act of Congress approved July 30, 1947 (61 Stat. 652), which provides for extending, on a reciprocal basis, the time for the fulfillment of the conditions and formalities prescribed by the copyright laws of the United States in the case of authors, copyright owners, or proprietors of works first produced or published abroad who are or may have been temporarily unable to comply with those conditions and formalities because of the disruption or suspension of the facilities essential for their compliance.

My Government has requested me to inform you that, by reason of the conditions arising out of World War II, Italian authors, copyright owners, and proprietors have lacked, during several years of the time since the outbreak of hostilities on September 3, 1939, the facilities essential to compliance with and to the fulfillment of the conditions and formalities established by the laws of the United States of America relating to copyright.

It is the desire of the Italian Government that, in accordance with the procedure provided in the above-mentioned section 9 of title 17 of the United States Code, the time for fulfilling the conditions and formalities of the copyright laws of the United States of America be extended for the benefit of citizens of Italy whose works are eligible to copyright in the United States.

With a view to assuring the Government of the United States of America of reciprocal protection for authors, copyright owners, and proprietors of the United States, the President of Italy has made a decree, the text of which is

¹ Came into force on 12 December 1951, by the exchange of the said notes.

annexed hereto, which will come into effect from the date on which the President of the United States of America shall proclaim, in accordance with the aforesaid title 17 of the United States Code, that by reason of the disruption or suspension of facilities during several years of the time since September 3, 1939, citizens of Italy who are authors, copyright owners, or proprietors of works first produced or published outside the United States and subject to copyright, or renewal of copyright under the laws of the United States, have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States.

The Italian Government is prepared, if this proposal is acceptable to the Government of the United States of America, to regard the present note and Your Excellency's reply to the same effect as constituting an agreement between the two Governments, which shall take effect this day.

Accept, Excellency, the renewed assurances of my highest consideration.

TARCHIANI

Enclosure :

Copy of Decree

The Honorable James E. Webb
Acting Secretary of State
Washington, D.C.

[ITALIAN TEXT — TEXTE ITALIEN]

DECRETO PRESIDENZIALE

PRESIDENTIAL DECREE¹

Art. 1^o

Art. I

I termini stabiliti dall'art. 35 del regolamento approvato con R. Decreto 18 maggio 1942 n. 1369 per effettuare i depositi di cui all'articolo 105 della legge 22 aprile 1941, n. 633 sul diritto d'autore e le relative registrazioni, son prorogati sino al compimento dell'anno solare successivo a quello della data di entrata in vigore del presente Decreto, a favore delle opere pubblicate per la prima volta negli Stati Uniti d'America, durante il periodo compreso fra il 3 settembre 1939 e la data suddetta, in quanto le disposizioni sopra-indicate relative a depositi e a registrazioni

The terms established by Art. 35 of the regulation approved by Royal Decree n. 1369 of May 18, 1942, in order to cause the deposits referred to in Article 105 of Law n. 633 of April 22, 1941, on the royalties and relative registration, are deferred until the ending of the solar year which follows the one of the date of entry into force of the present decree, in favor of the works published for the first time in the United States of America, during the period from September 3rd, 1939 to the above mentioned date, inasmuch as the above stated provisions relative to deposits

¹ The following information is provided by the Department of State of the United States of America (*Treaties and Other International Acts Series 2382*, p. 4, footnote 1): "This English language version, together with the Italian language text of the Decree, was supplied to the Department of State as an enclosure to the foregoing note from the Italian Ambassador."

siano applicabili a dette opere e purchè non siano decorsi i termini per la tutela-bilità dell'opera.

Sono fatti salvi gli eventuali diritti acquisiti da terzi, nei riguardi delle opere suddette, anteriormente alla data del presente Decreto.

Art. 2°

Il presente Decreto entrerà in vigore alla data dell'emanazione del Proclama del Presidente degli Stati Uniti d'America, inteso a prorogare il termine per l'adem-pimento delle condizioni e delle formalità stabilite dalle leggi degli S. U. A. per l'acquisto o il rinnovo del Copyright da parte dei cittadini italiani che non hanno adempiuto a dette condizioni e formalità durante il periodo indicato all'art. 1.

Roma, 12 Dicembre, 1951

Luigi EINAUDI

and registrations can be applied to said works provided the terms for the protection of the works are not expired.

All eventual rights acquired by third parties, with regard to the works in question, prior to the date of the present decree, are considered safeguarded.

Art. II

The present decree will enter into force upon the date of the issuance of the Proclamation by the President of the United States of America, intended to extending the term for the execution of the conditions and formalities established by the laws of the United States of America for the acquisition and the renewal of the Copyright on the part of Italian citizens who have not satisfied said conditions and formalities during the period indicated in Article I.

Rome, December 12, 1951.

Luigi EINAUDI

II

The Acting Secretary of State to the Italian Ambassador

DEPARTMENT OF STATE
WASHINGTON

December 12, 1951

Excellency :

I have the honor to acknowledge the receipt of your note of today's date in which you refer to paragraph (b), of section 9 of title 17 of the United States Code, codified and enacted into positive law by the act of Congress approved July 30, 1947, which authorizes the President to extend by proclamation the time for compliance with 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 under the laws of the United States of America when the authors, copyright owners, or proprietors of such works are or may have been temporarily unable to comply with those conditions and formalities because of the disruption or suspension of the facilities essential to such compliance.

You state that by reason of conditions arising out of World War II authors, copyright owners, and proprietors who are citizens of Italy have lacked during several years of the time since September 3, 1939, the facilities essential to compliance with and to the fulfillment of the conditions and formalities established by the laws of the United States of America relating to copyright.

You express the desire of the Italian Government that, in accordance with the procedure provided in the above-mentioned section 9 of title 17 of the United States Code, the time for fulfilling the conditions and formalities of the copyright laws of the United States of America be extended for the benefit of citizens of Italy whose works are eligible to copyright in the United States of America. You add that with a view to assuring the Government of the United States of America reciprocal protection for authors, copyright owners, and proprietors of the United States of America, the President of Italy has made a decree, the text of which accompanies your note under acknowledgment which will come into effect from the date on which the President of the United States of America shall proclaim, in accordance with the aforesaid title 17 of the United States Code, that by reason of the disruption or suspension of facilities during several years of the time since September 3, 1939 citizens of Italy who are authors, copyright owners, or proprietors of works first produced or published outside the United States of America and subject to copyright, or renewal of copyright under the laws of the United States of America have been temporarily unable to comply with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America.

You further state that the Italian Government is prepared, if this proposal should be accepted by the Government of the United States of America, to regard the note under acknowledgment and this Government's reply thereto to that effect as constituting an agreement between the two Governments, which shall take effect this day.

I have the honor to inform you that, with a view to giving effect to the commitment proposed in the note under acknowledgment, the President has issued today a proclamation, a copy of which is annexed hereto, declaring and proclaiming, pursuant to the provisions of section 9 of the aforesaid title 17 on the basis of the assurances set forth in your note and decree, annexed thereto, that as regards (1) works of citizens of Italy which were first produced or published outside the United States of America on or after September 3, 1939 and subject to copyright under the laws of the United States of America, and (2) works of citizens of Italy subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed during several years of the time since September 3, 1939 such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid title 17, and that accordingly the time within which compliance with such conditions

and formalities may take place is extended with respect to such works for one year after the date of the proclamation. The proclamation provides that it shall be understood that the term of copyright in any case is not and cannot be altered or affected by the President's action and that the extension is subject to the proviso of the said title 17 that no liability shall attach thereunder for lawful uses made or acts done prior to the effective date of that proclamation in connection with the works to which it relates, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully entered into prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

The Government of the United States of America accordingly considers the agreement in regard to such extension of time to be in effect as of today's date.

Accept, Excellency, the renewed assurances of my highest consideration.

James E. WEBB

Enclosure :
Copy of proclamation.

His Excellency Alberto Tarchiani
Ambassador of Italy

COPYRIGHT EXTENSION : ITALY

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 fulfilment 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 the President of Italy has issued a decree, effective from this day, by the terms of which treatment substantially equal to that authorized by the aforesaid section 9 of title 17 is accorded in Italy to literary and artistic works first produced or published in the United States of America during the period commencing on September 3, 1939, and ending one year after the date of this decree; and

WHEREAS the aforesaid decree is annexed to and is part of an agreement embodied in notes exchanged this day between the Government of the United States of America and the Government of Italy; and

WHEREAS, by virtue of a proclamation by the President of the United States of America dated April 9, 1910 (36 Stat. 2685), citizens of Italy are, and since July 1, 1909, have

been, entitled to the benefits of the aforementioned act of March 4, 1909, other than the benefits of section 1 (e) of that act; and

WHEREAS, by virtue of a proclamation by the President of the United States of America, dated May 1, 1915 (39 Stat. 1725), the citizens of Italy are, and since May 1, 1915, have been, entitled to the benefits of section 1 (e) of the aforementioned act of March 4, 1909 :

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by the aforesaid title 17, do declare and proclaim :

That with respect to (1) works of citizens of Italy which were first produced or published outside the United States of America on or after September 3, 1939, and subject to copyright under the laws of the United States of America, and (2) works of citizens of Italy subject to renewal of copyright under the laws of the United States of America on or after September 3, 1939, there has existed during several years of the time since September 3, 1939, such disruption or suspension of facilities essential to compliance with the conditions and formalities prescribed with respect to such works by the copyright laws of the United States of America as to bring such works within the terms of the aforesaid title 17, and that, accordingly, the time within which compliance with such conditions and formalities may take place is hereby extended with respect to such works 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, and that, as provided by the aforesaid title 17, no liability shall attach under the said title for lawful uses made or acts done prior to the effective date of this proclamation in connection with above-described works, or in respect to the continuance for one year subsequent to such date of any business undertaking or enterprise lawfully entered into prior to such date involving expenditure or contractual obligation in connection with the exploitation, production, reproduction, circulation, or performance of any such work.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this twelfth day of December in the year of our Lord nineteen hundred and fifty-one and of the Independence of the United States of America the one hundred and seventy-sixth.

[SEAL]

Harry S TRUMAN

By the President :

James E. WEBB

Acting Secretary of State