

No. 9908

**UNITED STATES OF AMERICA
and
FEDERAL REPUBLIC OF GERMANY**

Exchange of notes constituting an agreement regarding an extension of time to German citizens for fulfilling the conditions and formalities of United States copyright laws (with a proclamation by the President of the United States of America). Washington, 20 November 1964 and 12 July 1967

Authentic text : English.

Registered by the United States of America on 10 October 1969.

**ÉTATS-UNIS D'AMÉRIQUE
et
RÉPUBLIQUE FÉDÉRALE D'ALLEMAGNE**

Échange de notes constituant un accord prorogeant en faveur des ressortissants allemands le délai accordé pour satisfaire aux conditions et formalités prévues par la législation des États-Unis en matière de droit d'auteur (avec proclamation du Président des États-Unis d'Amérique). Washington, 20 novembre 1964 et 12 juillet 1967

Texte authentique : anglais.

Enregistré par les États-Unis d'Amérique le 1^{er} octobre 1969.

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹
BETWEEN THE UNITED STATES OF AMERICA AND THE
FEDERAL REPUBLIC OF GERMANY REGARDING AN
EXTENSION OF TIME TO GERMAN CITIZENS FOR
FULFILLING THE CONDITIONS AND FORMALITIES OF
UNITED STATES COPYRIGHT LAWS

I

The Ambassador of the Federal Republic of Germany to the Secretary of State

EMBASSY OF THE FEDERAL REPUBLIC OF GERMANY
WASHINGTON, D.C.

November 20, 1964

Excellency:

I have the honor to inform you that the attention of the Federal Republic of Germany has been invited to paragraph (b), section 9 of title 17 of the United States Code, codified and enacted into law by the act of Congress approved July 30, 1947 (61 Stat. 652). This law provides for extending 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 outside the United States of America 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, German authors, copyright owners, and proprietors of works subject to copyright or to renewal of copyright under the laws of the United States have lacked the facilities essential to compliance with and to the fulfillment of the conditions and formalities estab-

¹ Came into force on 12 July 1967 by the exchange of the said notes.

lished by the laws of the United States of America relating to copyright. This situation existed for several years since September 3, 1939.

It is the desire of the Government of the Federal Republic of Germany that, in accordance with the procedure provided in the above-mentioned paragraph (b), 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 German citizens whose works are eligible for copyright in the United States.

With the view of assuring the Government of the United States of America of the existence in the Federal Republic of Germany (including *Land Berlin*) of reciprocal copyright protection for authors, copyright owners and proprietors who are citizens of the United States, my government has requested me to invite your attention to the copyright agreement between Germany and the United States of America signed at Washington on January 15, 1892,¹ and to the German Law of May 18, 1922, for the Protection of Copyright of Nationals of the United States of America (*Reichsgesetzblatt*, Part II, 1922, page 129). Further, a letter from the Chancellor of the German Federal Republic of Germany to the Chairman of the Allied High Commission, dated February 6, 1950,* indicated that the Federal Republic of Germany continues to consider such agreement as being in force and that the Law of May 18, 1922, continues to apply. The letter established the mutual understanding that reciprocal copyright relations continued in effect between the Federal Republic of Germany (including *Land Berlin*) and the United States of America.

Also, pursuant to Article 2 of Law No. 8, Industrial, Literary and Artistic Property Rights of Foreign Nations and Nationals, promulgated by the Allied High Commission for Germany on October 20, 1949, literary or artistic property rights in Germany owned by United States nationals at the commencement of or during the state of war between Germany and the United States of America which were transferred, seized, requisitioned, revoked or otherwise impaired by war measures, whether legislative, judicial or administrative, were, upon request made prior to October 3, 1950, restored to such United States nationals or their legal successors. Further, pursuant to Article 5 of Law No. 8, any literary or artistic right in Germany owned by a United States national at

¹ *British and Foreign State Papers*, vol. 84, p. 1186.

* Not printed.