

APPROVED FOR RELEASE AR 70-14
HISTORICAL COLLECTIONS

July 18, 1958

Attention:

Dear [redacted]:

You have inquired with respect to a novel first published in Russia written by a Russian author there domiciled.

Under Section 9(b) of the U.S. Copyright law, that work would not be entitled to U.S. copyright because that section excepts the granting of copyright protection to the works of a foreign author when the foreign state of which such author is a citizen or subject does not afford reciprocity in the granting of copyright protection to American citizens. Russia falls within the category of countries which do not grant reciprocal protection to American authors. Accordingly, works published in Russia by a Russian author are in the public domain in this country (except, as provided by section 9(a), when the alien author is domiciled within the United States at the time of first publication, which was not the fact in the situation you outlined to me). Furthermore, an assignee (such as the Italian publisher which you mentioned) stands in no better status in acquiring copyright protection than does the author.

I am enclosing bill covering our services, which I trust will be satisfactory.

Sincerely yours,

[redacted]
Enclosure

[REDACTED]

July 28, 1958

[REDACTED]

Dear [REDACTED]

Attention: [REDACTED]

[REDACTED]

This is in response to your letter of July 24th addressed to [REDACTED]

The fact that the work has not yet heretofore been published in Russia but was first published in an Italian translation in Italy does not alter the opinion expressed by [REDACTED] in his letter of July 18th that the work is not entitled to copyright in the United States.

Under Section 9(b) of the U.S. Copyright Law, referred to by [REDACTED] in his letter of July 16th, the status of the author is the determining factor not that of the proprietor to whom the author has assigned the work. Since in this case the author himself would not be entitled to secure copyright in the United States, as stated in the letter of July 16th, the assignee of such an author is in no better position to acquire copyright protection in the United States. In other words, the author cannot confer any right upon his assignee to secure American copyright when the author himself could not acquire such copyright protection.

We trust that the foregoing clears up the matter. If you have any further question, please do not hesitate to communicate with us.

Very truly yours,

[REDACTED]

[REDACTED]