

## Overview of Universal Copyright Convention 1952

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### ABSTRACT

The Universal Copyright Convention (UCC), which was established in 1952 and subsequently updated in Paris in 1971, marks a critical moment in discussions and laws pertaining to copyright on a worldwide scale. Birthed from the need to bridge discrepancies between the Berne Union and nations outside its fold, notably the United States, the UCC aimed to make copyright laws more inclusive and adaptable. Although the Berne Convention served its purpose, it was not universally applicable because of the strict protection provisions it imposed, which made many countries, notably those in Asia, Africa, and the Soviet Union, reluctant to sign it. The establishment of the UCC made available a platform that acknowledged and respected the various national laws, so giving a copyright protection strategy that was more open to modification. It was powered by the "Voeu" goal, which originated from the 1910 Buenos agreement and following 1928 Rome summit. This desire was the driving force for its birth. This goal aimed to achieve a uniform approach to the protection of intellectual property on a worldwide scale. Despite early impetus in the 1930s, development was stalled by World War II, which necessitated a resumption of efforts in the late 1940s under the authority of the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The ultimate wording of the UCC provided member nations with the ability to apply their own procedures and set the lengths of protection, while keeping key principles that assured the equitable treatment of foreign works. A non-discriminatory treatment between local and international writers, an uniform copyright notice, and prescribed protection lengths are all fundamental characteristics of the UCC. In contrast to the Berne Convention, the Uniform Commercial Code (UCC) gives member states the authority to require formalities like notifications for protection, which is one of the UCC's defining characteristics. In addition, its amendment in 1971, which was a response to the demands of developing nations, included provisions that allowed these nations to acquire licences for the translation and reproduction of copyrighted works under particular circumstances. Not only has the UCC succeeded in harmonising the global copyright landscape, but it has also proven an ongoing commitment to preserving the rights of artists while also promoting an environment that is conducive to innovation and the transmission of information.

### Keywords

*Universal Copyright Convention (UCC), Berne Convention, Intellectual Property Protection, Copyright Harmonization, 1971 Paris Revision*

## **INTRODUCTION**

The contributions of individuals, both intellectually and artistically, have been crucial to the development of culture and society at all points throughout history. Because of this, ensuring their safety and giving them recognition is of the utmost significance. The law governing copyright has been the watchdog over these works, ensuring that the rights of their creators, publishers, and the general public are protected. Conventions pertaining to international copyright came into existence throughout the course of time as governments realised the significance of taking a unified approach on a worldwide scale. The Universal Copyright Convention is a good example of such an important agreement (UCC).

On September 6, 1952, the Uniform Commercial Code (UCC) went into effect, which was a watershed milestone in the history of intellectual property. This was not an independent endeavour but rather the result of a collaborative effort by the United Nations Educational, Scientific, and Cultural Organization. The issues that were presented by the Berne Convention, which was comprehensive but could not boast universality, served as the impetus for the establishment of this organisation. Due to the strict protection measures established by the agreement, several nations, including the United States of America, the Soviet Union, and other nations hailing from both Asia and Africa, chose not to become participants. As a result, there was a discord in the global copyright harmony caused by the fact that these high standards were incompatible with the national laws of many nations.

The UCC was conceived as a means of bridging this gap in communication. According to the historical records, its beginnings may be traced back to an objective known as "Voeu," which sought to establish a connection between the Berne Convention and the Buenos agreement of 1910, a significant Pan-American pact that included the United States. The Berne Union meeting held in Rome in 1928 acknowledged the necessity of cooperation while working toward the goal of worldwide law unification. Organizations such as the League of Nations, the Bureau of the Berne Union, and the International Rome Institute for the Unification of Private Law all contributed their support to this initiative.

The events of World War II were momentarily successful in derailing attempts to strengthen international connections. Despite this, there was a continuing push to develop a copyright convention that covered a wider range of issues. The Universal Copyright Convention was established in 1952 as a result of the successful conclusion of a diplomatic conference that was chaired by UNESCO and held in Geneva. The UCC provided a flexible approach, which was specifically designed to suit countries such as the United States. For instance, it allowed nations to enforce formalities that were conditional to protection and assessed protection from the day that a work was published rather than the date that the creator passed away.

However, the UCC needed to be acceptable to the members of the Berne Convention in order to move further. It was agreed, as part of an effort to satisfy all parties, that a straightforward copyright notice would be adequate

for foreign works, so eliminating the requirement for laborious procedures. In addition, the UCC did not supersede previously established conventions between member states, so guaranteeing that all prior agreements would be respected. In the event of a disagreement, the Berne Convention was given precedence, with the exception of situations involving agreements between American republics.

## OVERVIEW

The Universal Copyright Convention entered into force on September 6, 1952, and it was updated in Paris in 1971. The year 1952 marked the beginning of the convention's existence. It is something that has been contributed by the Education, Scientific and Cultural Organization of the United Nations. It acts as a connection point between the Berne Union and the United States of America. The United States of America, the Soviet Union, and a large number of nations in Asia and Africa were not parties to the Berne Convention, which meant that the convention did not have universality. In addition, the Berne Convention mandated an excessively high degree of protection, which precluded certain nations from becoming members of the Union. As a result, the Universal Copyright Convention entered into force in the year 1952. Its primary purpose was to establish multilateral copyright relations between the countries of the Berne Union and the numerous countries outside of the Union that found the Berne Convention's stringent minimum standards to be incompatible with their own national laws. This allowed the Universal Copyright Convention to come into effect. The "Voeu" intention to construct a bridge between the Berne Convention and the 1910 Buenos accord, the primary Pan –American pact to include the United States as a participant, is the germ of an idea that would grow into the UCC and lead to its establishment. In 1928, the Rome conference of the Berne Union adopted a proposal that expressed the wish that all interested governments work together toward a general convention with the objective of worldwide unification of laws protecting the creations of the spirit. This wish was expressed in the form of a wish to express the wish that all interested governments work together toward a general convention. This "Voeu" served as the jumping off point for the work that was done between the two world wars by the Bureau of the Berne Union, the organisation for intellectual cooperation of the league of nations, and the International Rome Institute for the unification of private law. All of these organisations were working toward the goal of achieving a unified private legal system.<sup>1</sup> The League of Nations, the Pan American Union, as well as the governments of France and Brazil, all supported and promoted this endeavour. There were attempts made to establish multilateral relations between Berne and countries that were not members of Berne with the intention of bringing about a new convention that was distinct from Berne. These efforts gained steam in the year 1939, but

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<sup>1</sup> Richard S. MacCarteney Toward a Universal Copyright Convention: Published by Music Library Association, 1952, Second series, Vol.10.No.1,p-46-48.

they were ultimately unsuccessful as a result of World War II.<sup>2</sup> Following that, an international meeting was held under the auspices of UNESCO beginning in 1947 and culminating in a diplomatic conference in Geneva in 1952. This meeting led to the creation of the Universal Copyright Convention, which has been signed by thirty-six states and was primarily designed to accommodate the United States. The final text allowed for the member states to impose formalities as a condition of protection and to measure the term of protection from the date of a work's publication rather than from the date of the author's death; in addition, it did not require retroactive protection nor minimum standards beyond the general prescription "of adequate and effective protection."<sup>3</sup> At the same time, in order to appease the members of the Berne Convention, the text stipulated that it would be sufficient for foreign works to comply with all domestic procedures if the owner of the copyright used a straightforward form of copyright notice. The pact did not nullify any existing multilateral or bilateral conventions or arrangements that were in place between any two or more of the member nations. The provisions of the Universal Copyright Convention are to be given precedence over any other applicable laws in the event of a conflict. The only exceptions to this rule are the Berne Convention, which has precedence over the UCC, and any conventions or arrangements that have been made between two or more American republics. Its main features are as follows:

- a. Although there is no minimum level of protection specified for either domestic or international authors, no signatory nation shall provide its domestic authors a more advantageous copyright treatment than the authors of other signatory states.
- b. The letter "c," the name of the person who owns the copyright, and the year the work was originally published should all be included in the official copyright notice that should be included in every copy of the work. However, a signatory nation may impose additional formalities, so long as those requirements do not give preference to works created in the signatory nation over works created outside.
- c. The minimum duration for the protection of intellectual property in member countries must be the author's lifetime plus 25 years (except for photographic works and works of applied art, which have a 10year term)
- d. Every nation that ratifies the treaty is obligated to give an exclusive right of translation for a period of seven years, with the possibility of a compulsory licence being imposed under specific conditions throughout the duration of the copyright. The pact did not invalidate any existing multilateral or bilateral conventions or arrangements that were in place between any two or more of the member

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<sup>2</sup> Sam Ricketson ;The Berne Convention for the Protection of Literary and Artistic Works 1886-1970, p.987, 842-51.

<sup>3</sup> Universal Copyright Convention, 1952, Geneva text, Art .1. [www.wipo.int/treaties](http://www.wipo.int/treaties)

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### ***SALIENT FEATURES OF THE UNIVERSAL COPYRIGHT CONVENTION***

The UCC initially consisted of 21 articles, however several of those have since been changed. In the beginning, it consisted of a membership of 12 different countries, one of which being India. Despite the fact that the functioning of the Berne Convention does not affect the Universal Copyright Convention in any way, in the event that a disagreement occurs between the two agreements, the rules of the Berne Convention will be applied in that case. The regulations of the Berne Convention and the Uniform Commercial Code are comparable with respect to places of attachment and the definition of protected subject matter, respectively. The Convention states that the Contracting State undertakes to provide for the adequate and effective protection of the rights of authors and other copyright proprietors in literary, scientific, and artistic works. These types of works include writings, musical, dramatic, and cinematographic works, as well as paintings, engravings, and sculpture. The UCC, in contrast to the Berne Convention, allows its member states to impose formalities such as notice, registration, and deposit as a condition to protection. However, in the case of works that were first published outside of the national territory and were authored by a non-national, Article III (1) of the UCC stipulates that the state must regard its formal requirements as satisfied if, from the time of publication, all copies of the work published with the copyright owner's authority bear a prescribed copyr marking. In Article IV of the Universal Copyright Convention, a minimum copyright term is prescribed that is much less than the Berne minimum. This period is calculated by adding the author's lifetime to twenty-five years.<sup>4</sup> Conversely, if the nation that is protecting the work does not determine the length of the author's copyright based on the author's lifespan, twenty-five years from the date of the work's publication or registration.<sup>5</sup> The duration of protection should not be shorter than ten years for any of the aforementioned kinds of works when it comes to photographic works or works of applied art.<sup>6</sup> Article II of the UCC establishes a duty known as "national treatment," which states that the contracting states must treat qualifying works in a manner that is not less favourable than the manner in which they treat the works of their own nationals. In addition, they are obligated to provide protection for these works that is both "sufficient and effective," and they must also grant four exclusive rights, including the right to reproduce the work using any method, the right to publicly perform the work, and the right to sell

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<sup>4</sup> Universal Copyright Convention, 1971 Paris Text, Art . IV (2) (a)

<sup>5</sup> Universal Copyright Convention , 1971 Paris Text , Art IV (2) (a)

<sup>6</sup> Universal Copyright Convention , 1971 Paris Text , Art IV (3)

the work., broadcast<sup>7</sup> and translation rights.<sup>8</sup> In terms of reproduction, performance, and broadcasting rights, national law may have the ability to make exceptions for these rights so long as they do not go against the spirit and conditions of this agreement. As a result of the compromise that was struck in 1971, developing nations have the legal authority, under certain conditions, to require their citizens to get licences for reproduction and translation rights.<sup>9</sup> One of its most notable characteristics is that it includes a provision known as the "Berne safeguard clause," which makes it illegal for a country that is a party to the Berne Convention to renounce the Berne Convention and instead rely on the UCC in its copyright dealings with other countries that are members of the Berne Convention.<sup>10</sup> In 1971, in response to demands made by poor nations, the United Nations Convention on Contracts for the International Sale of Goods was updated in Paris. It features unique provisions that make it possible for developing nations to get obligatory licences in order to translate copyrighted works for the purposes of teaching, scholarship, and research. These licences can be obtained under particular circumstances. Additionally, it enables the duplication of copy-protected works for the purpose of utilising them in a variety of educational activities. Effective protection for the economic rights of writers is provided by the UCC. UCC welcomes India as a new member.

## CONCLUSION

The Universal Copyright Convention (UCC) is a demonstration of the global community's dedication to ensuring that intellectual and artistic contributions are acknowledged and protected on a global scale. Its beginning was influenced by the intricate interaction of national interests, international relations, and the overarching goal of protecting the rights of creators. This interplay continued to have an effect on the organization's development over time. While the Berne Convention was significant in laying essential groundwork, it was the United States Convention on Contracts for the Sale of Goods that made it possible for a wider variety of nations to take part in the global conversation on copyright.

Its capacity to evolve, as evidenced by the Paris revision in 1971, demonstrates the Convention's responsive nature, addressing the urgent needs of developing nations and ensuring that education and progress are not stifled by stringent protective measures. This is demonstrated by the Convention's name: the United Nations Framework Convention on Climate Change. The United Nations Convention on Contracts for the International Sale of Goods illustrates its vision of a balanced global copyright ecosystem by placing an emphasis on non-

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<sup>7</sup> Universal Copyright Convention, 1971 Paris Text, Art IV bis (1)

<sup>8</sup> Universal Copyright Convention , 1971 Paris Text , Art V (1) <sup>47</sup> Universal Copyright Convention, 1971 Paris Text , Art IV bis (2)

<sup>9</sup> Universal Copyright Convention, 1971 Paris Text, Art . vter , vquater.

<sup>10</sup> Universal Copyright Convention, 1971 Paris Text, Appendix Declaration Relation to Article XVII.

preferential treatment and the establishment of standardised norms. This ecosystem is one in which both creators and consumers can benefit.

In addition, the role that the UCC played in bridging the gap between significant global entities, such as the United States and the Berne Union, highlighted the significance of diplomacy and collaboration in the context of intellectual property law. The UCC has demonstrated a dynamic approach to the problem of copyright infringement throughout the world by taking into account the various national laws that exist and being open to adjustments.

The Universal Copyright Convention is more than just a set of principles or laws when one considers its history and significance; rather, it expresses the collective goal of nations to appreciate, nourish, and safeguard the creative spirit. Finding a happy medium between preventative measures and the unrestricted exchange of thoughts continues to be one of the most difficult challenges in modern society. However, now that basic norms such as the UCC are in place, the world is better equipped to negotiate this difficult road. This helps to establish an atmosphere in which innovation may flourish, and creators are rewarded in a manner that is appropriate.