

No. 2044

**UNITED STATES OF AMERICA
and
DENMARK**

**Exchange of notes constituting an agreement relating to
copyright. Washington, 4 February 1952**

Official text: English.

Registered by the United States of America on 14 January 1953.

**ÉTATS-UNIS D'AMÉRIQUE
et
DANEMARK**

**Échange de notes constituant un accord relatif à la propriété
littéraire et artistique. Washington, 4 février 1952**

Texte officiel anglais.

Enregistré par les États-Unis d'Amérique le 14 janvier 1953.

No. 2044. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN THE UNITED STATES OF AMERICA AND DENMARK RELATING TO COPYRIGHT. WASHINGTON, 4 FEBRUARY 1952

I

The Danish Ambassador to the Secretary of State

DANISH EMBASSY
WASHINGTON 8, D. C.

February 4th, 1952

Sir :

I have the honor to inform you that the attention of the Government of Denmark 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, Danish authors, copyright owners, and proprietors 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.

It is the desire of the Government of Denmark 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 Denmark whose works are eligible to copyright in the United States.

¹ Came into force on 4 February 1952 by the exchange of the said notes.

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, the Government of Denmark has requested me to invite your attention to the Danish copyright law of April 26, 1933, and the Royal Decree dated September 12, 1933, whereby citizens of the United States have been entitled to obtain copyright protection for their works in Denmark on substantially the same basis as citizens of Denmark without the need of complying with any formalities, provided such works secured protection in the United States. This very liberal legislation was kept in force during the war and continues to remain in force. United States authors have accordingly suffered no prejudice to their rights in Denmark because of the war.

The Government of Denmark would, therefore, greatly appreciate it if the President of the United States would 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 Denmark 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 Government of Denmark is prepared, if this proposal is acceptable to the Government of the United States of America, to regard the present note and your reply to the same effect as constituting an agreement between the two Governments, which shall take effect this day.

Accept, Sir, the assurances of my highest consideration.

Henrik KAUFFMANN

The Honorable Dean Acheson
Secretary of State
Department of State
Washington, D. C.

II

*The Secretary of State to the Danish Ambassador*DEPARTMENT OF STATE
WASHINGTON

February 4, 1952

Excellency :

I have the honor to acknowledge the receipt of your note of today's date in which you refer 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, 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 Denmark 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 Government of Denmark 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 Denmark whose works are eligible to copyright in the United States of America.

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, you invite attention to the very favorable legislation in Denmark which was kept in force during the war and you add that, as a consequence, American authors have suffered no prejudice to their rights in Denmark because of the war. You add that the Danish copyright laws and the decrees to which you refer continue to remain in force.

You further state that the Government of Denmark is prepared, if this proposal should be accepted by the Government of the United States of Amer-

ica, 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 that as regards (1) works of citizens of Denmark 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 Denmark 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

Dean ACHESON

Enclosure :

Copy of proclamation.

His Excellency Henrik de Kauffmann
Ambassador of Denmark

No. 2044

COPYRIGHT EXTENSION : DENMARK

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A P R O C L A M A T I O N

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 fulfillment 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 satisfactory official assurances have been received that since March 1, 1913, citizens of the United States have been entitled to obtain copyright protection for their works in Denmark on substantially the same basis as citizens of Denmark without the need of complying with any formalities, provided such works secured protection in the United States; 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 Denmark 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 December 9, 1920 (41 Stat. 1810), the citizens of Denmark are, and since December 9, 1920, 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 Denmark 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 Denmark 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 the 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 fourth day of February in the year of our Lord nineteen hundred and fifty-two and of the Independence of the United States of America the one hundred and seventy-sixth.

Harry S. TRUMAN

[SEAL]

By the President:
Dean ACHESON
Secretary of State