

**No. 2481**

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**UNITED STATES OF AMERICA  
and  
MONACO**

**Exchange of notes constituting an agreement relating to  
reciprocal copyright relations. Monaco, 24 September  
1952**

*Official texts: English and French.*

*Registered by the United States of America on 5 February 1954.*

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**ÉTATS-UNIS D'AMÉRIQUE  
et  
MONACO**

**Échange de notes constituant un accord relatif aux rapports  
entre les deux pays en matière de propriété littéraire  
et artistique. Monaco, 24 septembre 1952**

*Textes officiels anglais et français.*

*Enregistré par les États-Unis d'Amérique le 5 février 1954.*

No. 2481. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT<sup>1</sup> BETWEEN THE UNITED STATES OF AMERICA AND MONACO RELATING TO RECIPROCAL COPYRIGHT RELATIONS. MONACO, 24 SEPTEMBER 1952

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I

[TRANSLATION<sup>2</sup> — TRADUCTION<sup>3</sup>]

*The Monacan Minister of State to the American Consul General*

PRINCIPALITY OF MONACO  
MINISTRY OF STATE  
FOREIGN RELATIONS SERVICE

Monaco, September 24, 1952

Mr. Consul General,

I have the honor to call your attention to the penultimate paragraph of Article 34 of Law No. 491 of November 24, 1948, as amended by Law No. 512 of November 17, 1949, which provides that works, whether published or not, the author or co-author of which is a foreign national, as well as works not originally published in Monaco, shall have the benefit of the protection which is accorded them by international conventions.

With reference to the provisions in question, the Government of His Serene Highness the Prince of Monaco is prepared to grant citizens of the United States of America the benefit of copyright protection in Monacan territory.

To that end it will promulgate the Sovereign Ordinance the draft of which is enclosed.

By virtue of Article 21 of the Constitutional Ordinance of January 5, 1911, as amended by the Constitutional Ordinance of November 18, 1917, His Serene Highness the Prince issues the necessary ordinances for the application of international treaties and agreements. There is therefore in Monaco no reason for amending the domestic legislation; the publication, through a Sovereign ordinance, of an exchange of notes with a foreign Government suffices to entitle the nationals of the said State to benefit from the provisions of the Monacan laws relating to copyright, as it is defined in the Agreement.

The Draft Ordinance mentioned above states that, by virtue of the provisions of the laws of the Principality, nationals of the United States of America who are authors of literary or artistic works, whether published or not, shall, from

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<sup>1</sup> Came into force on 24 September 1952 by the exchange of the said notes.

<sup>2</sup> Translation by the Government of the United States of America.

<sup>3</sup> Traduction du Gouvernement des États-Unis d'Amérique.

the promulgation of the said Ordinance, be granted the same protection as Monacan subjects, and that from that date citizens of the United States may invoke in Monaco the rights guaranteed by the laws on copyright, on essentially the same basis as Monacan subjects, including rights similar to those specified in Section 1 (e) of Title 17 of the Code of the United States of America.

The Princely Government hopes that, on its part, the Government of the United States of America will be good enough to grant Monacan subjects advantages in return for those accorded United States citizens in Monaco, and that consequently Monacan subjects will be entitled to benefit from the aforementioned Title 17 of the United States Code, including the provisions of Section 1 (e) of the said Title 17.

In the event that the foregoing proposals meet with the approval of the Government of the United States of America, the Princely Government is prepared to consider the present letter and the reply of the Consulate General concurring therewith as constituting an agreement between the two Governments with respect to reciprocal relations in the matter of copyright, which agreement shall enter into force on the date of the reply and shall be made operative on the date of the promulgation of a Sovereign Ordinance of His Serene Highness the Prince of Monaco and of the publication of a proclamation by the President of the United States of America.

Accept, Mr. Consul General, the assurances of my high consideration.

P. VOIZARD  
Minister of State

Enclosure :

Draft Sovereign Ordinance.

The Consul General  
of the United States of America  
Nice

WE, RAINIER III,  
by the Grace of God  
Sovereign Prince of Monaco

In view of Article 21 of the Constitutional Ordinance of January 5, 1911, as amended by the Ordinance of November 18, 1917 ;

In view of Law No. 491 of November 24, 1948, as amended by Law No. 512 of November 17, 1949 ;

In view of the Special Agreement concluded between Our Government and the Government of the United States of America ;

HAVE ORDERED AND DO HEREBY ORDER :

*Article 1*

Authors who are nationals of the United States of America shall enjoy, with respect to their literary and artistic works, whether published or not, the rights accorded by the laws and ordinances of Our Principality to Our nationals, including the right to reproduce their works or to authorize their reproduction by sound-recording instruments.

*Article 2*

Consequently, nationals of the United States may, from the date of the promulgation of the present Ordinance, claim all the protection guaranteed to Our subjects by :

The Ordinances of February 27, 1889 ; June 3, 1896 ; No. 3778 and No. 3779 of November 27, 1948 ; No. 80 and No. 81 of September 29, 1949 ; and No. 109 of December 6, 1949 ;

Laws No. 491 of November 24, 1948, and No. 512 of November 17, 1949 ; as well as by those granted by subsequent texts.

*Article 3*

Our Secretary of State, Our Director of Judicial Services, and Our Minister of State are charged, each to the extent to which he is concerned, with the promulgation and execution of the present Ordinance.

DONE in Our Palace in Monaco, on this fifteenth day of October, one thousand nine hundred and fifty-two.

(Signed) RAINIER

By the Prince :

(Signed) A. CROVETTO  
Secretary of State

[SEAL]

A certified true copy of the original :  
Marcel MICHEL  
Secretary General of the Ministry of State

II

*The American Consul General to the Monacan Minister of State*

AMERICAN CONSULATE

Nice, France, September 24, 1952.

Excellency,

I have the honor to acknowledge the receipt of your note of today's date which reads as follows :

[See note I, French text]

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 of the United States of America will issue a proclamation, a copy of which is enclosed herewith, declaring and proclaiming, pursuant to the provisions of Section 9 (b) of Title 17 of the United States Code, on the basis of the assurances set forth in your note and the Sovereign Ordinance annexed thereto, to be issued by His Serene Highness, the Prince of Monaco, that as of the date of that proclamation the conditions specified in Sections 9 and 1 (e) of the said Title 17, will exist and be fulfilled with respect to nationals of the Principality of Monaco and that nationals of the Principality of Monaco, as of the said date, are entitled to all the rights and benefits of the said Title 17 except those conferred by the provisions embodied in the second paragraph of Section 9 (b) thereof regarding the extension of time for fulfilling copyright conditions and formalities. The proclamation will impose the conditions that (1) the enjoyment by any work of the rights and benefits conferred by the said Title 17 shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright law of the United States; and (2) the provisions of Section 1 (e) of the said Title 17, so far as they secure copyright controlling parts of instruments serving to reproduce mechanically the musical work, shall apply only to compositions published on or after the date of the issuance of the Sovereign Ordinance and the presidential proclamation and registered for copyright in the United States and which have not been reproduced within the United States prior to such date on any contrivance by means of which the work may be mechanically performed.

The Government of the United States of America accordingly considers Your Excellency's note and the present note as constituting an agreement between the Government of the United States of America and the Government of His Serene Highness the Prince of Monaco which shall enter into force on the date of this note and shall become operative on the date of promulgation of a Sovereign Ordinance by His Serene Highness the Prince of Monaco, and issuance of a proclamation by the President of the United States of America, as envisaged herein.

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

Quincy F. ROBERTS

Consul General of the United States of America

Enclosure :

Copy of proclamation by the President of the United States of America.

His Excellency Monsieur Pierre Voizard

Minister of State

Monaco