

No. 17929

**FRANCE
and
AUSTRIA**

**Exchange of notes constituting an agreement relating to the
protection of literary and artistic works. Paris, 17 May
1976**

Authentic text: French.

Registered by France on 31 July 1979.

**FRANCE
et
AUTRICHE**

**Échange de notes constituant un accord concernant la pro-
tection des œuvres littéraires et artistiques. Paris,
17 mai 1976**

Texte authentique : français.

Enregistré par la France le 31 juillet 1979.

[TRANSLATION — TRADUCTION]

EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN FRANCE AND AUSTRIA RELATING TO THE PROTECTION OF LITERARY AND ARTISTIC WORKS

I

EMBASSY OF AUSTRIA
PARIS

17 May 1976

Ref. 2211-A/76

The Embassy of Austria presents its compliments to the Ministry of Foreign Affairs and, with reference to the Exchange of Notes dated 24 March and 5 May 1964 providing for the extension of the time period for the post-mortem protection of artistic and literary works,² has the honour, on instructions from its Government, to communicate the following:

Under the terms of article I-2 to 3(a) of the 1972 amendment to the Copyright Act, *Bundesgesetzblatt* (Federal Official Gazette) No. 492, the period of protection provided in paragraphs 60 to 62 of the Copyright Act was extended, as from 31 December 1972, from 50 to 70 years for all literary, musical, graphical and plastic works and from 30 to 50 years for cinematographic works, subject to the reservation that the works in question were still protected on 31 December 1972 under the terms of the provisions then in force. At the same time, article III, paragraphs 1 and 2, of the 1953 amendment to the Copyright, *Bundesgesetzblatt* No. 106, were abrogated by article II, paragraph 7, of the 1972 amendment.

The Austrian Government considers that, in view of article 7, paragraph (2), of the Brussels Act of the Berne Convention for the Protection of Literary and Artistic Works,³ to which Austria and France are Parties, works of French origin also benefit from this extension of the period of protection in so far as such works enjoy longer periods of protection, under the terms of article 21 of the Act of 11 March 1957, of the Act of 3 February 1919 and of the Act of 21 September 1951, than those fixed respectively at 50 and 30 years. Furthermore, the Austrian Government considers that in view of article 7, paragraph (2) of the Brussels Act of the Berne Convention for the Protection of Literary and Artistic Works, Austrian works benefit from the extension of the periods of protection in France, subject to the same conditions.

The Austrian Government considers that these legal consequences follow directly from the above-mentioned provisions of the Austrian and French Acts and from the Brussels Act of the Berne Convention for the Protection of Literary and Artistic Works, without it being necessary to conclude a specific agreement to this effect.

The Austrian Government would be grateful to the French Government for confirmation that it shares its views on this subject.

The Embassy of Austria, etc.

Ministry of Foreign Affairs

¹ Came into force on 17 May 1976 by the exchange of the said notes.

² See p. 141 of this volume.

³ United Nations, *Treaty Series*, vol. 331, p. 217.

II

MINISTRY OF FOREIGN AFFAIRS

PARIS

17 May 1976

No. 117/DC/EC/5

The Ministry of Foreign Affairs presents its compliments to the Embassy of Austria and has the honour to acknowledge receipt of its note of 17 May 1976 which reads as follows:

[See note I]

The Ministry of Foreign Affairs confirms to the Embassy of Austria that the works of Austrian nationals benefit from the extension of the period of protection provided for in France by the Act of 3 February 1919 and by the Act of 21 September 1951, and has the honour to inform you that the text of its Note reproduced above meets with the agreement of the French Government.

The Ministry of Foreign Affairs, etc.

Embassy of Austria
Paris
