



International Copyright

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Original works of expression that are eligible for copyright protection are protected under national copyright laws. Protection against unauthorized use in a particular country depends on the national laws of that country; in other words, copyright protection depends on the national laws where protection is sought. International copyright conventions and treaties have been developed to establish obligations for treaty member countries to adhere to and implement in their national laws, thus providing more certainty and understanding about the levels of copyright protection in particular countries.

Understanding which works by which authors from which countries may be eligible for copyright protection in the target country has been simplified by countries joining international copyright treaties and conventions. There is no such thing as an “international copyright” that will automatically protect an author’s writings throughout the world.

The United States is a member of many treaties and conventions affecting copyright, including the Berne Convention for the Protection of Literary and Artistic Works; the World Intellectual Property Organization (WIPO) Copyright Treaty; the WIPO Performances and Phonograms Treaty; the Geneva Convention for the Protection of Producers of Phonograms Against Unauthorized Duplication of Their Phonograms; the Brussels Convention Relating to the Distribution of Program-Carrying Signals Transmitted by Satellite; and the Universal Copyright Convention. Recent developments have resulted in two new WIPO copyright treaties: the Beijing Treaty on Audiovisual Performances and the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled. Neither of these two new treaties has entered into force, and the United States has not yet deposited its instruments of ratification with WIPO.

In addition to international treaties and conventions, other instruments, such as trade agreements, require member countries to comply with specific obligations. The World Trade Organization (WTO) administers the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS), which contains obligations related to intellectual property rights, including copyright and enforcement measures, in the context of a multilateral trade agreement. Building on TRIPS standards, free trade agreements concluded by the United States require the parties to have robust copyright laws and enforcement measures.

Circular 38a provides more details on the international conventions, treaties, and other bilateral instruments that the United States has concluded with other countries, and it details the participation of other countries in these same instruments. The Copyright Office’s website contains links to all the relevant copyright conventions and treaties.

If you seek copyright protection for your U.S. work in another country, it is important to determine the points of attachment under that country’s copyright system. If possible, do so before your work is published anywhere, because protection may depend on the facts existing at the time of first publication. The scope of protection available in that country will then turn on the substantive provisions available under that country’s law and practice. Keep in mind, however, that some countries offer little or no copyright protection to foreign works. Specific facts, circumstances, and national laws are important in any international copyright analysis.

For more information on the scope of copyright protection provided by other countries, you may want to consult a legal expert familiar with foreign and U.S. copyright laws. The U.S. Copyright Office is not permitted to recommend attorneys or agents to give legal advice on foreign or domestic laws. ©

Copyright Office fees are subject to change. For current fees, please check the Copyright Office website at www.copyright.gov, write the Copyright Office, or call (202) 707-3000 or 1-877-476-0778 (toll free).