

International Copyright Champion Born 200 Years Ago

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Charles Dickens was born on February 7, 1812, in Portsmouth, England. Two hundred years later, he is still one of the most widely read Victorian novelists. His works include *David Copperfield*, *Hard Times*, *A Tale of Two Cities*, *Great Expectations*, *A Christmas Carol*, and many others.

Dickens was hugely popular during his lifetime, too, not only in England, but also in the United States. To his dismay, however, he received no royalties from U.S. sales of his work, because U.S. copyright law at the time protected only American authors.

“As fast as [Dickens] turned out *The Pickwick Papers*, *Oliver Twist*, and other early novels, American publishing houses snapped them up and published them in cheap editions which sold in the thousands across the country, pocketing the proceeds without sending so much as a letter of thanks,” writes Philip Allingham on *The Victorian Web* (www.victorianweb.org).

When Dickens toured the United States in 1842, he publicly decried the situation and advocated for U.S. law to be amended to cover foreign authors.

“He argued that a native American literature would flourish only when American publishers were compelled by law to pay all writers their due, rather than being able to publish the works of any foreign author for free, a bad custom which only serve[d] to discourage literary production by American citizens,” Allingham writes.

Publishers and printers, unwilling to give up the market for the unauthorized reprints, lobbied Congress against extending copyright protection to foreign authors, and Dickens was reportedly vilified in the press.

Decades later, Congress passed the International Copyright Act. But the 1891 law required foreign works to be manufactured



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Charles Dickens in an 1867 photograph by American photographers J. Gurney and Son.

in the United States to secure protection and included difficult registration requirements.

In a 1968 article in the *Georgetown Law Review*, former Register of Copyrights Barbara Ringer states that the conditions of the law were “so rigid that they made the extension of copyright protection to foreigners illusory.”

Ringer writes that after World War I, U.S. works were increasingly exploited overseas, creating an impetus for the United States to pursue an international copyright agreement.

In 1952, the United States signed the Universal Copyright Convention, and it acceded to the Berne Convention for the Protection of Literary and Artists Works in 1989, more than a hundred years after the treaty entered into force in European countries.

“Until the Second World War,” Ringer writes, “the United States had little reason to take pride in its international copyright relations; in fact, it had a great deal to be ashamed of. With few exceptions, its role in international copyright was marked by intellectual shortsightedness, political isolationism, and narrow economic self-interest.” ©