

TRANSLATION FROM THE RUSSIAN

Edict of the Presidium of the Supreme Soviet of the USSR concerning the Introduction of Amendments and Supplements to the Fundamental Principles of Civil Legislation of the Union of the Soviet Socialist Republics and the Union Republics. <sup>1/</sup>

The Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics decrees:

I. That the Fundamental Principles of Civil Legislation of the USSR and the Union Republics approved by the Law of December 8, 1961 (Vedomosti Verkhovnogo Soveta SSSR, No. 50, 1961, text 525) shall be amended and supplemented as follows:

1. In Section 97: <sup>2/</sup>

(a) The first paragraph shall be revised to read as follows:

"An author and his successors [by inheritance] irrespective of their citizenship, as well as other legal successors [by any ~~other~~ title, pravopreemnik], shall have copyright in a work first published in the territory of the USSR or unpublished but located in any tangible form in the territory of the USSR."

(b) In the second paragraph the word "successors" shall be deleted and the words "legal successors" [by any title whatsoever] <sup>3/</sup> inserted instead.

<sup>1/</sup> Vedomosti Verkhovnogo Soveta SSSR, No. 9, 1973, text 138.

<sup>2/</sup> See RSFSR Civil Code, Sections 477-478.

<sup>3/</sup> All new additions are herein underscored.

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(c) The third paragraph shall be revised to read as follows:

"Copyright in a work first published in or located in any tangible form, in the territory of a foreign state is granted to other persons in accordance with international treaties or international agreements to which the USSR is a party."

(d) A [new] fourth paragraph shall be inserted as follows:

"In case of a transfer of copyright to foreign legal successors [by any title whatsoever] of authors who are citizens of the USSR, the foreign legal successors are granted copyright in accordance with the procedure prescribed by the legislation of the USSR."

2. In Section 98<sup>4/</sup> a second paragraph shall be inserted as follows:

"The procedure for the transfer by an author, who is a citizen of the USSR, of the right to use his work in the territory of a foreign state shall be prescribed by the legislation of the USSR."

3. In Section 101<sup>5/</sup>:

(a) In the first paragraph, after "works of an author," there shall be inserted: "(including translation into another language.)"

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<sup>4/</sup> Id., Section 479.

<sup>5/</sup> Id., Section 488.

(b) The word "successor" shall be deleted and the words "legal successors" [by any title whatsoever] shall be inserted instead.

4. Section 102<sup>6/</sup> shall be revised to read as follows:

"Translation of a work into another language for the purpose of publication shall be permitted only with the consent of the author or his legal successors.

"Competent organs of the USSR may permit, in accordance with the procedure prescribed by the legislation of the USSR, the translation of a work into another language and its publication in compliance, in appropriate instances, with the provisions of international treaties and international agreements to which the USSR is a party.

"A translator has copyright in the translation made by him."

5. In Section 103:<sup>7/</sup>

(a) In clause (4) the words "in a newspaper" shall be deleted.

(b) After clause (4) there shall be a [new] clause (5) inserted to read as follows:

"(5) the reproduction in a newspaper of publicly delivered speeches, reports and also works of literature, science and art published both in the original and in translation."

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<sup>6/</sup> Id., Sections 489-491.

<sup>7/</sup> Id., Section 492.

(c) The [present] clause (5) shall be designated as clause (6).

(d) A [new] clause (7) shall be inserted to read as follows:

"(7) reproducing of printed works for scientific, educational and teaching purposes without deriving profit."

6. Section 105<sup>8/</sup> shall be revised to read as follows:

"Copyright shall be effective during the life of the author and [for] 25 years after his death, to be computed from January 1 of the year following the year of the author's death.

The scope of rights which do not pass to successors shall be established by the legislation of the union republics."

In this connection the Fundamental Principles of Copyright approved and put into effect by the Resolution of the TSIK and SNK<sup>9/ 10/</sup> of the USSR of May 16, 1928 (SZ SSSR, 1928, texts 245 and 246) shall be repealed.

II. That this Edict shall apply to legal relations arising after June 1, 1973.

With regard to contractual and other legal relations which have arisen before June 1, 1973, the provisions of this

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8/ Id., Section 496.

9/ Tsentral'nyi Ispolnitel'nyi Komitet (Central Executive Committee).

10/ Soviet Narodnykh Komissarov (Council of People's Commissars), now Council of Ministers.

Edict shall apply to those rights and obligations which shall arise from June 1, 1973.

The provisions of Section 105 of the Fundamental Principles of Civil Legislation of the USSR and the Union republics relating to the terms of duration of copyright shall not apply to works whose term of protection had expired before January 1, 1973.

III. That the Presidiums of the Supreme Soviets of the Union Republics shall be instructed to bring the legislation of the Union republics into conformity with this Edict.

Moscow--Kremlin, February 21, 1973.

Translated by Tadeusz Sadowski  
Senior Legal Specialist  
European Law Division  
Law Library, Library of Congress  
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