

**Protocol 2 annexed for the Universal Copyright Convention as revised at Paris on 24 July 1971 concerning the application of that Convention to the works of certain international organizations 1971**

The States party hereto, being also party to the Universal Copyright Convention as revised at Paris on 24 July 1971 (hereinafter called 'the 1971 Convention'),

Have accepted the following provisions:

1. (a) The protection provided for in Article II (1) of the 1971 Convention shall apply to works published for the first time by the United Nations, by the Specialized Agencies in relationship therewith, or by the Organization of American States.

(b) Similarly, Article II (2) of the 1971 Convention shall apply to the said organization or agencies.

2. (a) This Protocol shall be signed and shall be subject to ratification or acceptance, or may be acceded to, as if the provisions of Article VIII of the 1971 Convention applied hereto.

(b) This Protocol shall enter into force for each State on the date of deposit of the instrument of ratification, acceptance or accession of the State concerned or on the date of entry into force of the 1971 Convention with respect to such State, whichever is the later.

IN FAITH WHEREOF the undersigned, being duly authorized thereto, have signed this Protocol.

Done at Paris, this twenty-fourth day of July 1971, in the English, French and Spanish languages, the three texts being equally authoritative, in a single copy which shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization. The Director-General shall send certified copies to the signatory States, and to the Secretary-General of the United Nations for registration.

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**Depositary :**

UNESCO

**Opened for Signature :**

24 July 1971 for a period of 120 days.

The Protocol annex 2 has been signed by the following States :

Belgium	28 July 1971
Brazil	24 July 1971
Costa Rica	24 July 1971
Denmark	24 July 1971
Finland	12 November 1971
France	24 July 1971
Germany (Federal Republic of)	24 July 1971
Guatemala	24 July 1971
Holy See	24 July 1971
Hungary	24 July 1971
India	24 July 1971
Israel	24 July 1971
Italy	24 July 1971
Japan	22 October 1971
Netherlands	24 July 1971
Norway	20 November 1971
Spain	24 July 1971
Sweden	24 July 1971
Switzerland	24 July 1971
Tunisia	24 July 1971
United Kingdom	24 July 1971
United States of America	24 July 1971
Yugoslavia	24 July 1971

**Entry into force :**

20 July 1974, in accordance with paragraph 2(b)

**Authoritative texts :**

English, French and Spanish

**Registration at the UN :**

30 July 1974, No. 13444

**Declarations and Reservations :***Algeria*

By a notification deposited on 11 June 1976, the Government of the Algerian Republic declared, in accordance with Article Vbis (1) of the Convention, that it was availing itself 'of all the exceptions which are provided for in Articles Vter and Vquater of the Convention and which were drafted for the benefit of developing countries, referring to the right to translate and reproduce literary, artistic and scientific works protected by copyright and introducing compulsory provisions in respect of the granting of licences in favour of such countries' (See letter LA/Depositary/1976/17 of 6 August 1976.)

The Algerian Government deposited a new notification with the Director-General on 5 August 1983, in conformity with Article Vbis of the Convention 'in order to avail itself for a second period of ten years of all the exceptions provided for in Articles Vter and Vquater of the Convention, which were drafted for the benefit of developing countries, referring to the right to translate and reproduce literary, artistic and scientific works protected by copyright and introducing compulsory provisions in respect of the granting of licences in favour of such countries' (See letter LA/Depositary/1983/27 of 17 November 1983).

The Algerian Government deposited a further notification with the Director-General on 5 May 1993 in conformity with Article Vbis of the Convention for a period of ten years (see letter LA/Depositary/1993/13 of 20 August 1993).

*Bangladesh*

By a notification deposited on 14 December 1979, the Government of Bangladesh declared in accordance with Article Vbis (1) of the Convention, that, being a developing country, it would avail itself of the exceptions provided in Articles Vter and Vquater (See letter LA/Depositary/1980/2 of 29 January 1980). On 3 April 1984, the Government of Bangladesh deposited with the Director-General a further notification, in accordance with Article Vbis of the Convention, renewing the previous notification for a second ten-year period as from 10 July 1984 (See letter LA/Depositary/1984/13 of 30 May 1984)

*Bolivia*

(Translation) 'In accordance with Article Vbis of the Convention revised in 1971, I should like to inform you that Bolivia wishes to be considered a developing country for the purpose of the application of the provisions relating to such countries' (see letter LA/Depositary/1990/07 of 22 August 1990).

*Bulgaria*

(Translation) 'The People's Republic of Bulgaria considers that the provisions of Article XIII of the Universal Copyright Convention as revised at Paris on 24 July 1971 are at variance with the Declaration of the United Nations General Assembly on the granting of independence to colonial countries and peoples adopted by Resolution 1514 (XV) of 14 December 1960 which proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations' (See letter CL/2442 of 21 May 1975.)

*China*

The instrument of accession contained a notification to the effect that the Government of the People's Republic of China will avail itself of the exceptions for which provisions is made in Articles Vter and Vquater of the Convention. (see letter LA/Depositary/1992/85 of 9 October 1992).

*Czechoslovakia*

(Translation) 'Acceding to the Convention we declare that the provision of its Article XIII is contrary to the Declaration of the United Nations General Assembly on Granting Independence to Colonial Countries and Peoples and that the provision of its Article XV on the obligatory jurisdiction of the International Court is contradictory to the principle of the international law on free selection of means for the settlement of disputes between States.' (See letter LA/Depositary/1980/6 of 11 March 1980.) In a letter dated 2 May 1991, the Government of Czechoslovakia has notified the withdrawal of the above-mentioned reservation concerning Article XV. (see letter LA/Depositary/1991/48 of 8 August 1991).

*Hungary*

(Translation) 'The Hungarian People's Republic declares that the provisions of Article XIII, paragraph 1, of the Universal Copyright Convention signed at Geneva on 6 September 1952 and revised at Paris on 24 July 1971 run counter to the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in Resolution 1514 (XV) which was adopted on 14 December 1960 by the General Assembly of the United Nations.' (See letter CL/2241 of 18 November 1972.)

*Italy*

'With reference to Article IV, paragraph 4 of the Universal Copyright Convention as revised at Paris on 24 July 1971, the Italian Government declares that within the Italian Republic protection to a work shall not be granted for a period longer than that fixed for the class of works to which the work belongs, in the case of unpublished works by the law of the Contracting State of which the author is a national, and in the case of published works by the law of the Contracting State in which the work has been first published. 'If the law of any Contracting State grants two or more terms of protection, and a specified work is not protected by such State during the second or any subsequent term for any reason, that work shall not be granted protection within the Italian Republic during the second or any subsequent term. (See letter LA/Depositary/1979/22 of 6 November 1979.)

#### *Mexico*

By notification deposited on 21 November 1975, the Government of Mexico declared in accordance with Article Vbis(1) of the Convention, that it wished itself 'to be regarded as a developing country for the purpose of the provisions which refer to such countries'. (See letter LA/Depositary/1976/2 of 26 January 1976.)

On 19 August 1985 the Mexican Government notified UNESCO that it intended to renew, for a second ten-year period, its previous notification under article Vbis of the aforementioned Convention by which it had availed itself on the exceptions provided for in Articles Vter and Vquater of the Convention. The Mexican authorities were informed by UNESCO that their notification had not been presented within the time-limits prescribed by Article Vbis, paragraph 2, of the Convention. Subsequently the Mexican authorities placed the matter before the Intergovernmental Copyright Committee, which discussed it during its seventh ordinary session (June 1987). The Committee agreed:

- (a) that the question raised by Mexico was within the Committee's competence under Article XI of the Universal Copyright Convention which provides that the Committee may study the problems concerning the application and operation of the Convention;
- (b) that Mexico was and is a developing country within the meaning of the Convention as far as the advantages established for the benefit of developing countries were concerned;
- (c) that it was up to each State party to the Universal Convention to determine for itself, in the final analysis, the question of the timeliness and consequences, if any, of Mexico's notice of renewal under Article Vbis (2) of the Convention (see letter LA/Depositary/87/100 of 20 October 1987).

#### *Spain*

(Translation) 'Ratification by Spain of this Protocol shall in no way signify acceptance of the definition of refugee established in the IRO Constitution and maintained in Article 1, paragraph A.1 of the Convention relating to the Status of refugees, of 28 July 1951, and Article 1 of the New York Protocol of 31 January 1967' (See letter CL/2413 of 20 January 1975.)

#### *Republic of Korea*

By a notification deposited on 5 November 1987, the Government of the Republic of Korea declared, in accordance with Article Vbis of the Convention, that it was availing itself of all the exceptions which are provided for in Article Vter and Vquater of the Convention (see letter LA/Depositary/1987/28 of 22 February 1988).

#### *Tunisia*

In accordance with Article Vbis (1) of the Convention, Tunisia intends to avail itself of all the exceptions provided for in Articles Vter and Vquater (See letter CL/2442 of 21 May 1975.).

On 18 January 1984, the Government of Tunisia deposited a new notification with the Director-General of UNESCO, in conformity with Article Vbis of the Convention 'in order to avail itself for a second period of ten years of all the exceptions provided for in Articles Vter and Vquater of the Convention, which were drafted for the benefit of developing countries'. (See letter LA/Depositary/1984/2 of 13 April 1984.)

#### *Union of Soviet Socialist Republics*

« Desirous of helping to create favourable conditions for the use of the works of Soviet authors by the developing countries for educational purposes, the Union of Soviet Socialist Republics agrees to the application of the aforementioned Convention to the works of Soviets authors. On the occasion of this declaration, the Union of Soviet Socialist Republics notes that the provisions of Article XIII of the Convention are obsolete and contravene 4 the Declaration of the United Nations General Assembly on the granting of independence to colonial countries and peoples (Resolution 1514 (XV) of 14 December 1960), which proclaimed the necessity of bringing to a speedy and unconditional end colonialism in all its forms and manifestations" (see letter La/Depositary/1978/9 of 24 August 1978)

### **Territorial Application :**

Notification by	Date of receipt of notification	Extension to
China	9 June 1997	Hong Kong (see LA/DEP/1997/14)
-	2 December 1999	Macao (see LA/DEP/1999/22)
Portugal	23 juillet 1999	Macao (voir lettre LA/DEP/1999/11) (see note 1)
United Kingdom	2 May 1973	Hong Kong (see CL/2298 of 14 August 1973) (see note 2)
-	6 September 1973	British Virgin Islands, Gibraltar, Grenada, Isle of Man, Saint Helena, Saint Lucia, Saint Vincent, Seychelles (see CL/2331 of 22 November 1973)

United States of America 18 September 1972

Guam, Panama Canal Zone, Puerto Rico, Virgin Islands  
(see CL/2242 of 14 November 1972)

**Notes :**

(1) On 11 February 2000, the Director-General received a letter from the State Minister and Minister of Foreign Affairs of Portugal notify him that: "In accordance with the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macau signed on 13 April 1987, the Portuguese Republic will continue to have international responsibility for Macau until 19 December 1999 and from that onwards the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999. From 20 December 1999 onwards the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of the above-mentioned Convention to Macau" (LA/DEP/2000/05)

(2) On 30 June 1997 the Director-General received from the Government of United Kingdom the following notification: "(...) in accordance with the Joint Declaration of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the People's Republic of China on the Question of Hong Kong signed on 19 December 1984, the Government of the United Kingdom will restore Hong Kong to the People's Republic of China with effect from 1 July 1997. The Government of the United Kingdom will continue to have international responsibility for Hong Kong until that date. Therefore, from that date the Government of the United Kingdom will cease to be responsible for the international rights and obligations arising from the application of the Convention and Protocols to Hong Kong " (LA/DEP/1997/18)