THE BEGINNINGS OF SOVIET COPYRIGHT LEGISLATION
1917 – 1925

by

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When the Soviet government assumed power in Russia in 1917, it was virtually free from multilateral or bilateral obligations relating to the protection of copyright. Not only has the revolutionary government adopted a policy of disregarding all obligations entered into by the Imperial and the Provisional governments, but the four bilateral copyright conventions concluded by the Imperial government between 1911 and 1915 had either already expired, or were about to expire. The convention with France expired on 3 November 1915. The convention with Germany, ineffective during the war but restored under the Brest-Litovsk treaty of 1918, became null and void under Article 292 of the Treaty of Versailles. The convention with Denmark expired on 29 July 1918, and that signed with Belgium, on 15 January 1918. The Soviet government did not enforce these two conventions during the remaining period of their validity. The first Soviet bilateral convention, on the other hand, was to be signed only in 1967.

Domestic Soviet copyright legislation enacted prior to the USSR Copyright Act of 1925 pursued four distinct aims: (1) nationalisation of the Russian classics; (2) monopolisation of publishing rights and the publishing industry; (3) establishment of government-approved tariffs for the remuneration of authors of

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In the following, references to official gazettes and collections of laws and decrees of the USSR and the RSFSR (the largest of the 15 union republics), are cited in traditional abbreviations: 'SU RSFSR' refers to Sobranie Uzakonennii i Rasporniuznenii Rabochego i Krest'ianskogo Pravitel'stva RSFSR. 'SZ SSSR' stands for Sobranie Zakonov i Rasporniuznenii SSSR. 'SPIR SSSR' means Sobranie Postanovlenii i Rasporniuznenii Pravitel'stva SSSR. 'Sob. Uzak. RSFSR', in footnote 58, corresponds to 'SU RSFSR'. 'VTsIK', in footnote 74, refers to Vserossiiskii Tsentral'nyi Ispolnitel'nyi Komitet, i.e. All-Russian Central Executive Committee. 'SSD', in footnotes 28, 43, 51, 55, 73 and 81, refers to the unofficial English translation of a given law or decree in Soviet Statutes and Decisions, A Journal of Translations, vol. XIV, Nos. 1-4, White Plains, N.Y., 1977 – 1978. 'NEP' stands for 'New Economic Policy'.


published works; and (4) abolition of copyright protection after the death of the author.

A decree issued on 29 December 1917 by the RSFSR Central Executive Committee, '... taking into account ... the severe unemployment of printers ... [and] the severe book famine in the country', ordered the People's Commission on Education to arrange for the publication in inexpensive editions of the works of deceased Russian 'classics' to which the copyright had already expired. In addition, the Commission was authorised to 'nationalise' the works of any Russian author and to declare a government monopoly on publishing these works, for a period of up to five years. Although the monopoly was limited in time, the nationalisation was not.

The People's Commissariat of Education made it subsequently clear that the decree of 29 December 1917 applied only to works of deceased authors, but that its terms also covered authors of musical compositions and stage productions. Private theatres and concert halls which received authorisation to publicly perform the works of nationalised authors and composers were required to pay royalties as before, only now these royalties were to be paid to organisations designated for this purpose by the government.

As for living authors and composers, their copyright remained formally preserved, although a series of decrees issued soon after the Revolution restricted their freedom to write and to publish. On 25 October 1918 the People's Commissariat of Education issued an Instruction containing the first schedule according to which Soviet authors were to be paid on assignment of their publishing rights to the Commissariat of Education. The Instruction also spelt out the basic provisions of a contract of assignment, which could be concluded for a period of five years only. There is no evidence that the Instruction has received wide application in practice.

On the basis of the decree of 29 December 1917, the People's Commissariat of Education on 14 February 1918 made public a list of fifty-eight Russian writers, poets, and essayists, over whose works the government was to possess publishing monopoly for a period of five years (see Table below). Prior to the expiration of the five-year monopoly, the People's Commissariat of Education issued a de-