AGREEMENT BETWEEN THE AUSTRIAN REPUBLIC AND THE UNION OF SOVIET SOCIALIST REPUBLICS CONCERNING RECIPROCAL PROTECTION OF COPYRIGHT OF 16 DECEMBER 1981

The Federal President of the Austrian Republic and the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics,

Determined to carry out, to their full extent, the provisions of the Final Act of the Conference on Security and Co-operation in Europe, signed in Helsinki on 1 August 1975;

Convinced that cultural co-operation and cultural exchanges promote better mutual understanding among peoples and contribute towards strengthening of the ties between States;

Bearing in mind the provisions of the Agreement on Cultural and Scientific Co-operation between the Austrian Republic and the Union of Soviet Socialist Republics of 22 March 1968, particularly Article I of said Agreement;

Anxious to further develop co-operation in the area of reciprocal exchange of cultural values by means of the utilization of works of literature, science, and art;

Guided by the wish to regulate questions of the reciprocal protection of copyright in a supplement to the Universal Copyright Convention of 6 September 1952 in which both Contracting Parties participate;

Resolved to conclude the present Agreement and to this effect to appoint the following as their Authorized Representatives:

The Federal President of the Austrian Republic:

DDr. Gerald Hinteregger,
Secretary General for External Affairs

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

[Mr.] Boris Dmitrievich Pankin,
Chairman of the Board of Directors of the All-Union Copyright Agency of the Union of Soviet Socialist Republics,

who, having exchanged their credentials which were found to be in good and due form, agreed as follows:

Article 1. Each Contracting Party:
(a) encourages the publication, and other use within its territory, of works of literature, science, and art, created by citizens of the other Contracting Party;
(b) encourages the inclusion of dramatic, musical-dramatic, musical and choreographic works, created by citizens of the other Contracting Party, into the repertoires of theaters, musical ensembles and soloists of its own country.

Article 2. Each Contracting Party shall apply the [provisions of the] Universal Copyright Convention of 6 September 1952 also to works, or to rights to the works, of citizens of the other Contracting Party created prior to 27 May 1973, provided that they had not been made public up to that date within the territory of either Contracting Party or elsewhere. If, however, such works had been published within the territory of the other Contracting Party prior

* Translated by Serge L. Levitsky, Senior Research Fellow, Documentation Office for East European Law, University of Leyden Faculty of Law.
to the entry into force of the present Agreement as unprotected works, they shall continue to be considered unprotected within said territory even after the entry into force of the present Agreement. In this connection, the term "publication" shall be interpreted in accordance with its meaning under article VI of the Universal Copyright Convention of 6 September 1952.

Article 3. The Contracting Parties agree that the protection granted under the Universal Copyright Convention of 6 September 1952, or under the present Agreement, shall also extend to the authors' personal rights.

Article 4. The present Agreement shall apply to the use of works referred to in article 2 after the entry into force of the present Agreement, provided that the term of copyright protection has not yet expired in their regard.

Article 5. All payments and settlements arising from the application of the Universal Copyright Convention of 6 September 1952 or of article 2 of the present Agreement, shall be carried out by each Contracting Party in conformity with its legislation on foreign currency exchange, in a freely convertible currency; however, upon the wish of those entitled to them, payments and settlements may take place in the national currency of the Contracting Party by which the payment is being carried out.

Article 6. Each Contracting Party has the right to designate those organizations, hereinafter called "Organizations", which shall act as intermediaries in the conclusion of contracts for the assignment or acquisition of rights to the use of works protected under the Universal Copyright Convention of 6 September 1952 or article 2 of the present Agreement — although direct negotiations with the author or his legal successor shall not be ruled out, provided they are the owners of the corresponding rights — collect remuneration for the use of the works, and settle mutual accounts.

To the extent to which these Organizations, on the basis of the legislation of the Contracting Parties or of obligations which they have undertaken, must protect the personal rights of authors, they shall exercise particular care in this matter, especially when, in conformity with the legislation of a Contracting Party, the use of an author's works is permitted without his consent and without payment of remuneration.

Article 7. The Organizations of the Contracting Parties are obligated towards each other:
(a) to furnish information about those works of citizens of each Contracting Party which are subject to copyright protection either on the basis of the Universal Copyright Convention of 6 September 1952 or on the basis of article 2 of the present Agreement, as well as about the owners of the copyright;
(b) to make available other data and materials which are necessary for the practical application of the Universal Copyright Convention of 6 September 1952 or of the present Agreement.

The Organizations of the Contracting Parties shall, by mutual agreement, determine the schedules of payments and the amounts to be withheld for their own benefit.

Article 8. The Contracting Parties or the Organizations shall keep each other informed about laws and other normative acts of their countries which have relevance for the practical application of the Universal Copyright Convention of 6 September 1952 or of the present Convention.