

Problem Set 2

1. Subject to heavy pressure from the European Union and the United States, Cybercity is considering its accession to the Berne Convention for the Protection of Literary and Artistic Works. The Copyright Law of Cybercity provides that only those who have registered their copyrighted works are entitled to statutory damages, attorneys' fees, and a *prima facie* presumption of copyright validity. If Cybercity were to join the Berne Convention, would it have to amend its existing law?
2. As you recall, the early inhabitants of Cybercity founded the nation because of their aversion of copyright protection on the Internet. Among the major concerns of Cybercity's legislators is whether computer programs fall within the scope of the Berne Convention. One of the legislators decides to travel all the way to the United States to seek your counsel. How would you advise her?
3. The Executive Vice President of your major client, Mega Publishing (a U.S. company), learned from the Legal Department that the United States is a member of the Berne Convention and that the Convention prohibits any formalities that interfere with the enjoyment and exercise of copyright. He is about to change the publishing house's policy, which requires its editorial staff to affix copyright notice to all its books. Before he does that, he would like to seek your opinion. How would you advise him?
4. In his discussion with the staff in the Legal Department, he further learned that copyright registration is a prerequisite for bringing lawsuit in a U.S. court. Your client was wondering if such a registration requirement would violate the United States's treaty obligations under the Berne Convention. What would be your response?