

Problem Set 1

Note: Please read the Berne Convention before working on this problem set.

1. Subject to heavy pressure from the European Union and the United States, Mickeymania is considering its accession to the Berne Convention for the Protection of Literary and Artistic Works. The Copyright Law of Mickeymania 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 Mickeymania were to join the Berne Convention, would it have to amend its existing law?
2. Mickeymania enacted the Free the Mouse Act ten years ago, limiting the duration of copyright protection to fourteen years. If Mickeymania were to join the Berne Convention, could it limit the term of copyright protection for software to fourteen years while extending the duration for all other subject matter to the minimum term required by the Berne Convention?
3. The Executive Vice President of your major client, Conglomerate Publishing, a U.S. company with branches in Australia, China, France, and Tuvalu, recently 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. The publishing house's current policy requires its editorial staff to affix copyright notices to all books. Would you advise her to change this policy?
4. In her discussion with the staff in the Legal Department, she further learned that copyright registration is a prerequisite for bringing a lawsuit in a U.S. court. Your client was wondering whether such a registration requirement would violate the United States' obligations under the Berne Convention. What will be your \$500-an-hour response (other than speaking very slowly)?