

Problem Set 2

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. As you recall, Mickeymania enacted the Free the Mouse Act, which limited the duration of copyright protection to fourteen years. If Mickeymania were to join the Berne Convention, can it limit the duration of copyright protection for software to fourteen years while extending the duration of protection for other subject matter to the minimum term required under 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 its books. Would you advise him to change this policy?
4. In his discussion with the staff in the Legal Department, he further learned that copyright registration was a prerequisite for bringing lawsuit in a U.S. court. Your client was wondering if such registration requirement would violate the United States' obligations under the Berne Convention. What would be your \$500-an-hour response (other than the fact that you might speak very slowly)?