

Denver Journal of International Law & Policy

Volume 5
Number 3 *Special Issue*
Soviet-American Trade in A Legal Perspective

Article 16

January 1975

Discussion

Denver Journal International Law & Policy

Follow this and additional works at: <https://digitalcommons.du.edu/djilp>

Recommended Citation

Discussion, 5 Denv. J. Int'l L. & Pol'y (1975).

This Comment is brought to you for free and open access by the University of Denver Sturm College of Law at Digital Commons @ DU. It has been accepted for inclusion in Denver Journal of International Law & Policy by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, digitalcommons@du.edu.

Discussion

Keywords

Copyright

Discussion

In response to a question from an American participant, Mr. Boguslavskii explained that under Soviet law, priority of registration, rather than priority of use, determined the validity of trademarks.

In response to a question from Mr. Maggs, Mr. Boguslavskii explained that Soviet jurists had not yet determined whether patent or copyright protection was appropriate for computer programs. He concluded that the tendency in the Soviet Union was to protect computer programs by copyright. He was supported in this statement by another Soviet participant, who suggested that patenting would be inappropriate unless a program exhibited technological innovation. Mr. Maggs noted that both the confusion and the emerging tendencies of Soviet law on computers appeared to parallel U.S. law, and Mr. Boguslavskii agreed.

In response to another question from the American side, Mr. Boguslavskii replied that it was a violation of Soviet law for a Soviet author to authorize foreign publication of his works except through the All-Union Copyright Service. With regard to penalties for violation of this rule, however, Mr. Boguslavskii could recall only a civil law penalty which voided such transactions. Another Soviet participant suggested that currency violations would be involved if the Soviet author were to receive royalties.

Mr. Boguslavskii and Mr. Maggs reiterated their substantial agreement on the topics under discussion. Mr. Maggs stressed that the U.S. press had presented a distortedly unfavorable view of Soviet copyright practice, and that a bill presently being considered by Congress, aimed at curing anticipated abuses by the Soviet government, was ill-advised and unnecessary. He asserted that those aspects of Soviet copyright law which would be most repugnant to Americans would, in any case, be unenforceable in the United States, either because the First Amendment would prevent enforcement or because the choice of law clause of the publishing contract would eliminate them from consideration by a court.

