



SERVING AUTHORS WORLDWIDE
AU SERVICE DES AUTEURS DANS LE MONDE
AL SERVICIO DE LOS AUTORES EN EL MUNDO

COU07-0651

Neuilly sur Seine, 15 June 2007

His Excellency Mr. Tamotsu Aoki
Commissioner
Agency for Cultural Affairs
2-5-1 Marunouchi, Chiyoda-ku
Tokyo 100-8959
Japan

Your Excellency,

I am writing to you in my capacity as Director General of CISAC, the International Confederation of Societies of Authors and Composers, which groups 219 author societies in over 115 countries.

CISAC, in its General Assembly held on June 1, 2007 in Brussels (Belgium), unanimously adopted the attached resolution concerning the extension of the copyright protection term by the period equal to wartime for certain copyrighted works of Allied nationals, which is based on the provisions of Article 15 (c) of the Treaty of Peace with Japan and is obliged only to Japan. This resolution requests CISAC member societies to work upon their respective members not to exercise their rights with regard to wartime prolongation.

This resolution was adopted in response to requests from JASRAC (Japanese Society for Rights of Authors, Composers and Publishers), APG-Japan (The Japan Art, Photograph and Graphic Design Copyright Organization), and WGJ (Writers Guild of Japan), all of which are copyright management organisations in your country and are important members of our organisation, but CISAC also believes that it is of great significance that an international agreement has been reached towards the dissolution of this longstanding wartime prolongation issue in Japan.

CISAC would be most grateful, Your Excellency, if the Commissioner of the Agency for Cultural Affairs could give his full understanding and support to this CISAC resolution aimed for the dissolution of wartime prolongation in Japan.

Yours sincerely,

Eric Baptiste
Director General

Enc. *BOD07-0541R2 – Resolution: wartime prolongation in Japan*



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BOD07-0541R2
Board of Directors
Brussels, 29/05/2007
Source language: English

01/062007

Resolution: Wartime prolongation in Japan

Status: unanimously ADOPTED by the General Assembly (Brussels, 1st June 2007) (AG07-0577)

Date: 01/06/2007

Access rights: Members, Provisionals, Associates

The International Confederation of Societies of Authors and Composers – CISAC, at its General Assembly held in the city of Brussels (Belgium) on June 1, 2007,

Notes that under the provisions of Article 15 (c) of the Treaty of Peace with Japan concluded between the Allied Powers and Japan,

1. in cases where the Allied nationals obtained copyrights on the day before the outbreak of war, they are entitled to the privilege (referred to as “wartime prolongation¹”) of extending the original copyright protection term in Japan for a period equivalent to that from December 7, 1941 until the day before the Treaty of Peace with Japan became effective with their country, and
2. in cases where they obtained copyrights during wartime, they are entitled to the privilege of extending the original copyright protection term in Japan for the period from the day of the relevant obtainment to the day before the Treaty of Peace with Japan became effective with their country

Considers that Japan has performed the obligation of wartime prolongation through more than 60 years after the war and that the CISAC member societies in Japan strongly wish that such obligation be dissolved, and

Resolves that

1. CISAC requests CISAC member societies to approach their members to no longer exercise their above rights and,
2. leaves the relevant society’s decision as to when rights regarding wartime prolongation would no longer be exercised, suggesting such timing to be when the Japanese copyright protection term be extended to “life of author and 70 years after his or her death,” as a guideline.

CISAC will convey this resolution to the Japanese government.

¹Wartime prolongation is an obligation which only Japan is required to follow. It is based on the provisions of Article 15(c) in the Treaty of Peace with Japan concluded with the Allied Powers in 1952, and it provides for copyright protection with the period equivalent to the span of war added to the normal protection term on copyright which was obtained by Allied nationals before or during the World War II. The period added to copyright which was owned by Allied nationals on the day before the outbreak of war is from December 7, 1941 to the day before the Treaty of Peace became effective, while the period added to copyright which was obtained on the day of the outbreak of war and afterwards is from the day of obtainment to the day before the Treaty of Peace became effective.

The nationals of 15 countries (U.S., Canada, U.K., France, Netherlands, Norway, Belgium, Greece, Australia, New Zealand, South Africa, Brazil, Sri Lanka, Lebanon, and Pakistan) among Allied nationals, protected in Japan under International Copyright Treaties during wartime, are subject to wartime prolongation. The extension period differs depending on when the Treaty of Peace with each country was ratified, but for many countries the relevant period is approximately 10 years and 5 months (or specifically, 3,794 days).