



Secretariat

ST/AI/189/Add.9/Rev.2
17 September 1987

ADMINISTRATIVE INSTRUCTION

TO: Members of the staff

FROM: The Under-Secretary-General for Conference
Services and Special Assignments

Subject: REGULATIONS FOR THE CONTROL AND LIMITATION OF DOCUMENTATION

Addendum

COPYRIGHT IN UNITED NATIONS PUBLICATIONS: GENERAL
PRINCIPLES, PRACTICE AND PROCEDURE

INTRODUCTION

1. The present instruction revises, on an experimental basis until the end of 1989, the Organization's policy towards copyrighting as set forth in administrative instruction ST/AI/189/Add.9/Rev.1 of 26 March 1985. 1/ That policy was, in essence, not to seek copyright with the intention of thus facilitating dissemination as widely as possible of the ideas in United Nations publications. However, numerous exceptions to that policy were made over the years as it became clear that there was a need to retain control over certain United Nations materials to ensure that they were used in the best interests of the Organization, or to protect the revenues that might accrue from sales publications and that would be adversely affected by unauthorized, competitive commercial publication.

I. GENERAL PRINCIPLES

2. The following categories of material will, as at present, be left in the public domain, i.e., the United Nations will not seek copyright therefor unless, prior to issue and in exceptional circumstances, the Publications Board decides otherwise, in consultation with the Office of Legal Affairs.

(a) Official Records: a series of printed publications relating to the proceedings of organs or conferences of the United Nations. 2/ They include verbatim or summary records, documents and check-lists of documents, issued in the form of annexes to those records, including periodic supplements, such as the quarterly ones of the Security Council; and the reports to those organs of their subordinate or affiliated bodies, compilations of resolutions, certain reports of the Secretary-General and other selected publications, which are issued in the form of supplements;

(b) United Nations documents: written material officially issued under a United Nations document symbol, regardless of the form of production, although, in practice, the term is applied mainly to material offset from typescript and issued under a masthead. The term also applies to written material issued simultaneously or sequentially in the form of documents and publications;

(c) Public information material: publications, periodicals, brochures, pamphlets, press releases, flyers, catalogues and other materials designed primarily to inform the public about United Nations activities. For the purposes of this instruction the term does not include public information material that is offered for sale, which may be subject to copyright registration.

3. Copyright protection will, as a general rule, be sought for all recurrent publications, studies or reports issued under the authorization of the Publications Board. In exceptional circumstances author departments may seek the concurrence of the Publications Board to obtaining copyright protection for a publication in one of the categories defined in paragraph 2. Copyright protection will not be sought for publications, the legislative authority for which contemplates that the material remain in the public domain.

II. PRACTICE REGARDING COPYRIGHT

A. Materials that may be copyrighted

4. Prior to the initial copyrighting of any recurrent publication, the Publications Board will review with author departments those listed in the consolidated publications programme. Author departments will be asked to identify those publications which it considers should not be copyrighted and shall supply the Board with copies of the legislative mandates for those titles to assist the Board to determine whether their copyrighting is appropriate.

5. In the case of studies and reports, when author departments submit the manuscripts for processing they should certify, by indicating on the D-2 form (or its equivalent at other duty stations), that the legislative authority authorizing the publication is consistent with its being copyrighted and that the material is not in the public domain.

6. In case of doubt regarding interpretation of the legislative authority, the Office of Legal Affairs will be consulted and its determination will be forwarded to the Publications Board.

7. The general rule for Official Records, United Nations documents and public information material is that these publications will be in the public domain. However, in exceptional circumstances, author departments may apply to the Publications Board to obtain copyright protection for such materials. Such application shall set out reasons for the request and shall demonstrate how such copyrighting is consistent with the legislative mandate of the publication.

B. Reproduction or translation of copyrighted materials

8. All requests by commercial publishers, societies or private individuals for permission to reproduce or translate extracts from copyrighted publications shall be referred to the Secretary of the Publications Board. After consultation with the author department, the Board will normally give permission to quote extracts, provided that proper acknowledgement of the source and copyright notice is given. Where reproduction or translation of the whole copyrighted publication or a substantial part thereof is sought, the matter should initially be referred to the External Publications Officer for a recommendation on the level of royalties, if any, to be paid to the United Nations. The matter must then be referred to the Publications Board, which may approve the request, provided that copyright of the translated work is obtained in the name of the United Nations. The Board may also grant the publisher exclusive rights to publish and sell the work in specified geographic areas for a specific period of time. In cases where public authorities, societies and commercial publishers contemplate separate editions of United Nations publications in languages in which the United Nations has issued or is preparing to issue the publication in question, the authorities concerned should be invited to consider the alternative of bulk purchase from the United Nations at special rates.

9. No offprint of a copyrighted publication, in whole or in part, shall be issued by the United Nations without the copyright imprint, for that might result in loss of the copyright in the material thus reproduced.

C. Reproduction or translation of non-copyrighted material

10. Extracts from publications which are not copyrighted may be freely quoted without prior permission from the United Nations. Authors and publishers, however, often seek such permission as a matter of courtesy, and requests of this nature should be referred to the Secretary of the Publications Board, who will check with the author department before conveying permission, and ask that due acknowledgement be made to the source of the quotation. Although non-copyrighted works may be freely reproduced, publishers often request authorization to publish or translate such works in their entirety. The Publications Board may agree to such requests and may agree to obtain copyright of the publication or have copyright obtained in the name of the United Nations to prevent unauthorized copying of the translated work, should it be in the interests of the United Nations to do so. The Board may also grant the publisher exclusive rights to publish and sell this translation in defined geographic areas for a specified period of time.

11. In accordance with the policy of promoting the widest dissemination possible, the Secretariat should give all reasonable encouragement to any reputable publisher proposing to issue a translation of a United Nations publication that is not copyrighted in a language in which the United Nations is not itself publishing it. The prospective publisher shall be asked (a) to make due acknowledgement to the United Nations as publisher of the authentic text and (b) to state clearly on the title page that it takes sole responsibility for the accuracy of the translation. The publisher should also be advised that the use of the United Nations emblem is restricted to United Nations publications, unless, in exceptional circumstances, permission is granted by the Publications Board in consultation with the Office of Legal Affairs. In cases where separate editions are contemplated in languages in which the United Nations has issued or is preparing to issue the publication in question, the authorities concerned should be invited to consider the alternative of bulk purchases from the United Nations at special rates.

D. Special cases

12. The authors of articles contributed to United Nations publications or of papers submitted to seminars or other meetings, which are to be published by the United Nations, sometimes seek permission to publish their articles or papers under their own name in a book or a professional journal. Where such publication is to take place after the United Nations publications have appeared, the general practice applies (see paras. 7-10). In some cases, however, permission is sought to reproduce articles or papers prepared for the United Nations prior to their publication by the United Nations itself. In replying to such requests members of the Secretariat should be guided by the following principles:

(a) The United Nations cannot withhold permission to publish material which has been prepared for it as a technical contribution and for which it has made no payment, unless the contribution was accepted on the understanding that it was to become the property of the United Nations. The author should, however, be informed of the intention of the United Nations to publish and should be asked to state that the material was prepared for the United Nations and is to be published by it in a publication or volume of proceedings;

(b) Articles or papers prepared for the United Nations under a special service agreement are covered by the terms of the agreement, which typically includes a clause stipulating that all rights of whatsoever nature in the material produced are vested exclusively in the United Nations. Where this is the case, the United Nations is entitled to withhold permission to publish, and the author's request should be referred to the Secretary of the Publications Board;

(c) Articles or papers prepared by staff members for inclusion in a United Nations publication, or as a contribution to a conference or seminar, are covered by the terms of staff rules 112.7 and 212.6, which provide: "All rights, including title, copyright and patent rights, in any work performed by a staff member [project personnel] as part of his or her [their] official duties shall be vested in the United Nations."

E. External publications based on material provided by the United Nations

13. Publications issued by outside firms or organizations by arrangement with the United Nations and being the literary property of the United Nations should be copyrighted in the name of the United Nations. The outside publisher is normally given publication rights in consideration of the United Nations receiving royalties and a given number of free or reduced-price copies, negotiated on behalf of the Organization by the External Publications Officer in consultation with a representative of the Office of Legal Affairs.

F. Use of copyrighted materials in United Nations publications and documents

14. Staff members responsible for the drafting of United Nations publications and documents must bear in mind the obligation to acknowledge the source of any material used therein, whether in the form of a paraphrase, summary or direct quotation. If copyrighted material is to be reproduced, the authorization of the owner of the copyright - publisher and/or author - may have to be obtained and acknowledged. Authorization must generally be obtained for the reproduction of a drawing, diagram, photograph or the like and of texts of substantial length and that authorization should be sought and retained on file by the author department.

III. PROCEDURES FOR COPYRIGHTING UNITED NATIONS PUBLICATIONS

15. Under the Universal Copyright Convention, Geneva, 1952 (revised at Paris, 1971) and Protocol 2 annexed to that Convention, the United Nations is able to retain copyright in appropriate publications on the completion of certain simple formalities. Detailed instructions on the procedure for obtaining copyright in the United States, in accordance with section 104(b) (3) of the Copyright Act of 1976, 17 U.S.C. 101, and in the countries which are parties to the Universal Copyright Convention and to the Berne Convention are set out below.

16. In submitting a manuscript of a publication for processing, author departments shall indicate on the D-2 form whether or not it is to be copyrighted, in accordance with paragraphs 2 to 7. For publications to be copyrighted:

(a) The Director of the Publishing Division will be responsible for the actions indicated in paragraph 17 ensuring that the requisite copyright notice is inserted in the work; that, in agreement with the Sales Section, the date of publication is set in accordance with paragraph 17 and that no copies of the work to be copyrighted are released to the public prior to that date, and that all other necessary action to obtain copyright is taken, with the help, if required, of the Office of Legal Affairs;

(b) Advance distribution to sales agents of copyrighted publications will be made by the Sales Section in accordance with established procedure;

(c) Advance distribution of copies to the press will be arranged by the Department of Public Information or by the Sales Section for the purposes of having the work critically reviewed. Such copies and any accompanying press release will carry an embargo against distribution before the agreed publication date and a notice indicating that, although copyrighted, the publication may be freely quoted by newspapers, magazines, radio and television.

17. The additional measures necessary to obtain copyright are as follows:

(a) In order to secure copyright protection in the United States of America (and hence all countries signatory of the Universal Copyright Convention), while at the same time encouraging the desired dissemination, each copy of a United Nations publication to be copyrighted must bear on the title-page or on the verso thereof the notice:

Copyright © United Nations 19__
All rights reserved
Manufactured in [name of country]

"Applications for the right to reproduce this work or parts thereof are welcomed and should be sent to the Secretary of the Publications Board, United Nations Headquarters, New York, N.Y. 10017, U.S.A. Member States and their governmental institutions may reproduce this work without application, but are requested to inform the United Nations of such reproduction."; 3/

(b) Immediately after copies have been placed on sale, two copies of the best edition of the work in question must be sent to the Register of Copyrights, Library of Congress, Washington, D.C., 20559, together with the appropriate form ("Application for copyright registration") duly completed and a fee.

18. The copyright notice applicable in the United States will also be effective to secure copyright protection in the approximately 80 countries signatory to the Universal Copyright Convention. That Convention contains special provisions allowing the United Nations to copyright, and so it is advantageous to use the copyright notice set out in paragraph 17 (a). This notice will be effective for United Nations publications first published at Headquarters, Geneva, Vienna or Santiago. Thailand is not party to the Universal Copyright Convention, but is party to the Berne Convention, which does not require any particular notice formalities, so the copyright notice in paragraph 17 (a) will also be effective there.

19. If material is to be published only in Baghdad or Addis Ababa, then advice on copyright procedures in those locations will have to be obtained, since neither Iraq nor Ethiopia is party to either the Universal Copyright Convention or the Berne Convention. This potential problem can be avoided by publishing at those locations and also at one of the other major duty stations within 30 days of first publication so that protection under the Universal Copyright Convention or Berne Convention can be obtained. The notice in paragraph 17 (a) would then be appropriate to achieve protection.

IV. GENERAL GUIDANCE

20. Members of the Secretariat requiring further guidance on copyright matters in respect of United Nations publications should apply to the Secretary of the Publications Board, who, apart from any other action to be taken, will see that any legal question is at once brought to the notice of the Office of Legal Affairs.

21. This instruction applies, mutatis mutandis, to works such as audio-visual material, charts, maps, computer software, output, microfiches and electronic publications.

Notes

1/ The present instruction supersedes ST/AI/189/Add.9/Rev.1 from 1 October 1987 to 31 December 1989.

2/ In respect of certain United Nations conferences and of conferences convened by it, other than Official Records, seminars and similar meetings are sui generis. It is customary for the United Nations to publish the proceedings and papers of such meetings, or excerpts therefrom. Any copyright question should be discussed with the Office of Legal Affairs at a very early stage and should include in the preliminary arrangements, such as agreements and correspondence with the participants, and, in the understandings with the co-operating Governments, appropriate references to literary rights and the intention of the United Nations to publish the papers and proceedings. The following considerations should be kept in mind in considering whether or not to secure copyright protection:

(a) As a general rule, documents bearing a United Nations symbol or working papers which have been distributed before copyright protection is sought are regarded as being in the public domain, depending on the distribution pattern. Therefore, it is anticipated that the proceedings will include papers issued first as documents or working papers, the decision to copyright should be made before the individual papers are reproduced for distribution, even to participants, in order that the necessary copyright notice may be given on each individual paper;

(b) The sale of the proceedings of major United Nations conferences is a revenue-producing activity to which the Advisory Committee on Administrative and Budgetary Questions attaches considerable importance. There is no evidence to indicate that failure to copyright such proceedings has in the past led to a loss in revenue because of unauthorized use of material by commercial publishers. Such loss could, however, occur in cases where a relatively small number of papers contain the bulk of the most valuable material and where their unauthorized use by a commercial publisher could therefore have a detrimental effect on the sale of the official proceedings.

3/ If an author department wishes to encourage the reproduction of a guide or manual in its entirety, or the free translation and/or adaptation of a text to meet local requirements, or if it wishes to specify in any manner other than that set forth above the conditions of use it wishes to invite, that department may seek the assistance of the Publications Board which, in consultation with the Office of Legal Affairs, will collaborate in working out an appropriate copyright formulation.
