

# Copyright and Patent Laws 1918-1919

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## Copyright and patent laws. 1918-1919

The proposed documents are devoted to the nationalization of intellectual property. They provided for the right of the authorities to declare any literary and other work, as well as invention, the property of the state. Royalties began to be determined by government departments. The right of the relatives of the author (inventor) to remuneration at the expense of his royalties was practically abolished.

Decree of the Council of People's Commissars on the recognition of scientific, literary, musical and artistic works as state property. 11/26/1918

1. Any published or unpublished scientific, literary, musical or artistic work, in whose hands it may be, may be recognized by the decision of the People's Commissariat of Education as the property of the Russian Socialist Federative Soviet Republic.

Note. By the same decree of the People's Commissariat of Education, all works of any deceased author may be declared the property of the Russian Socialist Federative Soviet Republic.

2. A work declared state property may be reproduced and distributed only by the People's Commissariat of Education or other Soviet institution by agreement with the People's Commissariat of Education.

Note. Dramatic, musical, etc. works declared state property may be publicly performed with the permission of the People's Commissariat of Education and under the conditions established by it by all persons, institutions and enterprises.

3. Undeclared state property works may not be reproduced and distributed during the lifetime of the author except by agreement with the author. Until the expiration of 6 months from the date of death of the author, no one has the right to publish or republish his works.

4. Private correspondence, diaries, etc. Works of deceased authors not intended for publication may be published only with the consent of the spouse and close relatives of the deceased, or with the permission of the People's Commissariat of Education.

Note. The interpretation of who is a close relative, as well as the dissemination of what is specified in Art. 4th rights to other people close to the deceased, as well as the resolution of all other controversial issues on the application of this decree belong to the people's commissar of education

5. In the event that a published work is declared state property, the publisher shall be reimbursed for the costs incurred and not covered by him, including the royalties, in the amount and at the rates determined by the people's commissariats of education and labor.

For any publication of a work declared to be state property, by the People's Commissariat of Education or other Soviet institution, the author shall be paid a fee during his lifetime at the rates indicated in the first part of this article.

6. The decision on the recognition of the state property of the works of authors who have died before the publication of this decree must be published no later than 6 months before the date of publication of this decree.

7. After the death of the author, any royalties due to him shall become state property. The needy and disabled relatives of the deceased author have the right to receive maintenance from this property, on the general grounds established in the decree on the abolition of inheritance <sup>[1]</sup> and instructions on the enactment of the decree on the abolition of inheritance (Sobr. Uzak., 1918, No. 34, art. . 456 and No. 46, art. 549).

8. If, after the deceased authors, whose works will be recognized as national property, there remain needy and disabled relatives, or a spouse who did not receive support from other property left after the deceased (including those specified in Article 7 of this decree), then they will be issued through provincial departments of social security maintenance in the amount of the subsistence minimum or the difference that they receive less than the subsistence minimum.

Note. The content specified in this article is issued only until the introduction of universal social security, from the fee that would be due to the author at the rates worked out by the procedure specified in Art. 5 of this decree.

9. When publishing works of deceased authors that have not been declared state property, publishers, if after the deceased author there are needy and disabled relatives or a spouse who meet the conditions specified in the previous article, are obliged to pay to the People's Bank amounts equal to the fee that would be due to the author. rates developed by the procedure specified in Art. 5 of this decree, for the payment of these amounts of maintenance to needy and disabled relatives or the spouse of the deceased author on a general basis. Publishers are exempted from this obligation if there are no relatives left after the deceased author who require social security.

10. Both the right to translate and the very translation into Russian of literary works that have appeared in foreign languages both within the Russian Socialist Federative Soviet Republic and outside of it may be declared a monopoly of the Russian Socialist Federative Soviet Republic by a resolution of the People's Commissariat of Education. The rights of translators to receive royalties and their relatives to receive content are accordingly subject to the regulation of this decree on the rights of authors and their relatives.

11. Unauthorized publication, reproduction, distribution and public performance of works, contrary to the provisions of this decree, entails liability as for violation of the state monopoly.

Chairman of the Council of People's Commissars

V. ULYANOV (LENIN)

V. BONCH-BRUEVICH

Decree of the Council of People's Commissars on inventions (Regulation). 06/30/1919

1. Any invention recognized as useful by the Committee for Inventions may, by decision of the Presidium of the Supreme Council of the National Economy, be declared the property of RSF.S.R.
2. Declared the property of R.S.F.S.R. inventions (with the exception of secret ones), upon publication about this, go into the general use of all citizens and institutions on special conditions, in each individual case, agreed. Inventions declared to be the property of the state, relating to national defense or especially important for Russia and therefore recognized as especially secret by the respective People's Commissariat, are not subject to patenting abroad, transfer to third parties or generally disclosure. Those guilty of violating this are subject to prosecution according to the law.
3. Inventions recognized as useful are declared the property of RSF.S.R. or by agreement with the inventor, or, in the case of a failed agreement, forcibly for a special remuneration not subject to taxation.
4. Copyright to an invention shall be retained by the inventor and shall be certified by the copyright certificate issued to the inventor by the Invention Committee.
5. Any invention made on the territory of the Russian Republic must be declared in Russia before it is declared in other countries. Violation of this is prosecuted.
6. A declaration of an invention, as well as any acts related to it, are made only on behalf of and in the name of the actual inventor or inventors, in witness of which the applicant is obliged to issue a subscription.
7. Stamp duty and fees for applications and certificates issued are not charged.
8. The rights of needy and disabled relatives and the spouse of a deceased inventor are established on a general basis, within the limits provided for by the decree on the abolition of inheritance (Sobr. Uzak., 1918, No. 34, article 456) and the instruction on the enactment of the decree on the abolition of inheritance ( Collection Uzak., 1918, No. 46, Art. 549) in relation to Art. 7-8 decree on scientific, artistic, etc. works of December 1, 1918 <sup>[2]</sup> (Collection of Uzak., 1918, No. 86, p. 900).
9. All cases on inventions are concentrated in the Committee for Inventions, which is attached to the scientific and technical department of the Supreme Council of the National Economy.
10. All laws and regulations on the privilege of inventions issued prior to the publication of this decree shall be revoked.

Chairman of the Council of People's Commissars

V. ULYANOV (LENIN)

Administrator of the Council of People's Commissars

V. BONCH-BRUEVICH

Secretary

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[1] See the Limitation of Inheritance and Gift Acts of 1918. [2] This refers to the previous document. Perhaps, 26.11 is the date of its adoption, 1.12 is the date of publication.