



Secretariat

ST/AI/189/Add.9/Rev.1
26 March 1985

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 sets forth guidelines on the Organization's policy towards copyrighting, granting permission to reproduce or translate its publications and documents or extracts therefrom, and towards using material copyrighted in the name of others in United Nations publications or documents.

I. GENERAL PRINCIPLES

2. The United Nations does not normally retain copyright, considering that policy best suited to facilitating the dissemination of its publications as widely as possible. The general retention of copyright could give an impression of restriction and of setting up a procedural barrier, namely, the need to request permission to use material. Exceptions to the general practice have, however, been made in the case of the publications listed in the annex to the present instruction. The decisions in those cases were taken by the Publications Board in the belief that there was a need to impose a measure of control on certain types of United Nations material in order to ensure that it was used in the best interests of the Organization.

3. Copyright United Nations publications include certain titles containing statistical, scientific and other specialized technical material - in many cases supplied to the United Nations by or with the co-operation of Governments of Member States, which might not have been prepared to furnish the same information to commercial publishers. Such material is copyrighted so as to discourage its unauthorized reproduction by commercial publishers, which could do so at relatively low cost by photo-offset or other reproduction methods, and to discourage unauthorized editions in languages in which the United Nations does not itself publish, where only such items as column headings, sub-titles and explanatory notes require translation. In some cases the decision to copyright has been based mainly on financial considerations.

4. Some publications have been copyrighted in order to secure the co-operation of outside publishers; the Yearbook of the United Nations was originally copyrighted for that reason and the practice has been continued since the United Nations itself became the publisher.

5. Other publications may be added to the list from time to time by decision of the Publications Board, which will consider proposals by departments or offices to copyright publications in the light of the above considerations, notably, the desirability of retaining copyright to ensure that United Nations material is used in the best interests of the Organization, to prevent the unauthorized use or misrepresentation of such material, to protect the revenue the Organization expects from the sale of its publications and to secure the co-operation of external publishers.

II. PRACTICE REGARDING COPYRIGHT

A. Definition

6. The term "United Nations publication" means any written material which is issued by or for the United Nations to the general public, normally under an authorization of the Publications Board. Such publications, which are usually offered for sale, include major studies, reports, statistical compilations and the proceedings of certain conferences, seminars and symposia, as well as such serial publications as yearbooks, Official Records of the principal organs of the United Nations, the United Nations Treaty Series and technical journals and bulletins.

B. Legal position

7. 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, and in the countries which are parties to the Universal Copyright Convention and to the Berne Convention are set out in paragraphs 17 and 18 below.

C. Reproduction or translation of copyright materials

8. All requests by commercial publishers, public authorities, societies and private individuals for permission to reproduce or translate extracts from copyright publications should 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 proper acknowledgement of the source and copyright notice is given. Where reproduction or translation of the whole publication or a substantial part thereof is sought, the matter should be referred to the External Publications Officer, who will normally make arrangements for royalties to be paid to the United Nations. Payment of royalty may be waived when, in the opinion of the Publications Board, some compensatory advantage will accrue to the United Nations.

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 would result in loss of copyright in the material thus reproduced.

D. Reproduction or translation of non-copyright material

10. Extracts from publications which are not copyright 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. When publishers request authorization to publish non-copyright works in their entirety, arrangements are made by the External Publications Officer in accordance with the provisions of ST/AI/189/Add.14/Rev.1.

11. In accordance with the policy stated in paragraph 1 above, the Secretariat should give all reasonable encouragement to any reputable publisher proposing to issue a translation of a United Nations publication that is not copyright in a language in which the United Nations is not itself publishing it. The prospective publisher should 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 under agreements drafted in accordance with the provisions of ST/AI/189/Add.14/Rev.1.

12. In cases where public authorities, societies and commercial publishers contemplate separate editions of United Nations publications that are not copyright in languages in which the United Nations has issued or is preparing to issue the publications in question, the authorities concerned should be invited to consider the alternative of bulk purchase from the United Nations at special rates.

E. Papers and proceedings of United Nations conferences and seminars

13. The proceedings and papers of United Nations conferences, seminars and similar meetings represent a special case and, as circumstances vary, copyright practice should make allowance for such variations. It is customary for the United Nations to publish the proceedings and papers of such meetings, or excerpts therefrom. The senior staff member responsible for planning such a meeting should discuss the copyright question 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 may be regarded as being in the public domain. When 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 of 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.

F. Other special cases

14. 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 publication has appeared, the general practice applies (see paras. 8 to 12 above). 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 such and such a publication or volume of proceedings;

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(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 rule 112.7, which provides: "All rights, including title, copyright and patent rights, in any work performed by a staff member as part of his or her official duties shall be vested in the United Nations".

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

15. 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.

H. Use of copyright materials in United Nations publications and documents

16. 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 copyright 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 (for the United Kingdom, over 400 words) and that authorization should be sought and retained on file by the author department.

III. PROCEDURE FOR COPYRIGHTING UNITED NATIONS PUBLICATIONS

17. The procedure for copyrighting United Nations publications is the following:

(a) The decision to copyright a United Nations publication will be taken by the Publications Board; the manuscript will then be sent to the Office of Legal Affairs for clearance to proceed with the copyright registration;

(b) The Director of the Publishing Division will be responsible for the actions indicated in paragraph 18 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 18 (b) and that no copies of the

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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;

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

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

18. The measures necessary to obtain copyright are as follows:

(a) For copyright protection in the United States of America and, hence, all countries signatories of the Universal Copyright Convention, each copy of the work 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 (insert name of country)

(b) To acquire copyright protection simultaneously in States parties to the Berne Convention for the Protection of Literary and Artistic Works (also known as the International Copyright Union (ICU)) of 1886 et seq., the work must be placed on sale on the same day and at approximately the same time in the United States of America and in Switzerland or the United Kingdom;

(c) Immediately after copies have been placed on sale in this way, 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 notarized and a fee (\$US 10).

IV. GENERAL GUIDANCE

19. 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.

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Annex

LIST OF UNITED NATIONS COPYRIGHT PUBLICATIONS

(as of December 1984)

Recurrent publications

Compendium of Housing Statistics (several editions)
Current Economic Indicators
Demographic Yearbook and supplements
Monthly Bulletin of Statistics
Statistical Yearbook
Statistics of World Trade in Steel
World Demographic Atlas
World Statistics in Brief
Yearbook of Construction Statistics
Yearbook of Industrial Statistics
Yearbook of International Trade Statistics
Yearbook of National Accounts Statistics
Yearbook of the United Nations
Yearbook of World Energy Statistics

Non-recurrent publications

Future of the World Economy
Geological Map of Asia and the Far East
Growth of World Industry (2 vols.) (several editions - first edition
entitled "Patterns of Industrial Growth, 1938-1958")
A Guide to Writing for the United Nations
Guidelines for Project Evaluation
Lexique général (several editions)
Mineral Distribution Map of Asia and the Far East
Multilingual Dictionary of Narcotic Drugs and Psychotropic Substances under
International Control
Oil and Natural Gas Map of Asia and the Far East
Pope John Paul II at the United Nations (21 October 1980)
Poverty, Unemployment and Development Policy (English, French and Spanish
editions)
Report of the United Nations Conference on the Application of Science and
Technology for the Benefit of the Less Developed Countries (UNACAST)
25 Years of Philatelic Highlights
United Nations Correspondence Manual
United Nations Convention on the Law of the Sea
United Nations Editorial Manual
Your United Nations (several editions)
World Concerns and the United Nations
