осуществление индивидуального права собственности позволяет сделать следующие выводы. Действующие нормы европейского права допускают возможность подобного вмешательства, более того, в соответствии с требованиями принципа надлежащего управления государство обязано принимать все необходимые меры для защиты интересов общества. Вместе с тем, чтобы быть признанными совместимыми с предписаниями ЕКПЧ действия национальных властей должны соблюдать ряд принципов, а именно: законность, защита интересов общества и пропорциональность. Каждый из указанных принципов может включать в себя ряд взаимосвязанных требований.

Литература

1. Зарщико А. В. Ограничение права собственности на землю в интересах публичных образований: правовой подход европейского суда по правам человека / А. В. Зарщико // Наука. Общество. Государство. – 2015. – № 1 (9). – С. 1-8.

2. Case of broniowski v. Poland. (application no. 31443/96). Judgment. Strasbourg. 22 june 2004. 50 p.

3. First section. Case of malysh and others v. Russia. (Application no. 30280/03). Judgment. Strasbourg 11 February 2010. 22 p.

4. Fourth section. Case of Moskal v. Poland. (Application no. 10373/05). Judgment. Strasbourg 15 September 2009. 33 p.

5. Geiger Christophe. Constructing European Intellectual Property: Achievements and New Perspectives. Edward Elgar Publishing, 2013, 480 p.

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COPYRIGHT LAW OF THE UNITED STATES

The goal of copyright law as set forth in Article 1 section 8 of the US Constitution is to promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries [1]. This includes incentivizing the creation of art, literature, architecture, music and other works of authorship.

The copyright law of the United States has a long and complicated history, dating back to colonial times. It was established as federal law with the Copyright Act of 1790. This act was updated many times, including a major revision in 1976.

The British Statute of Anne did not apply to the American colonies. The colonies' economy was largely agrarian, and copyright law was not a priority. As a result, only three private copyright acts were passed prior to 1783. Two of

the acts were limited to seven years, the other – to five years. In 1783 several authors' petitions persuaded the Continental Congress that nothing is more properly a man's own than the fruit of his study, and that the protection and security of literary property would greatly tend to encourage genius and to promote useful discoveries. However, under the Articles of Confederation the Continental Congress had no authority to issue a copyright. Instead it passed a resolution encouraging the States "to secure to the authors or publishers of any new book not hitherto printed … the copyright of such books for a certain time not less than fourteen years from the first publication; and to secure to the said authors, if they shall survive the term first mentioned, … the copyright of such books for another term of time no less than fourteen years". Three states had already enacted copyright statutes in 1783 prior to the Continental Congress resolution, and in the subsequent three years all of the remaining states except Delaware passed a copyright statute. Seven of the States followed the Statute of Anne and the Continental Congress' resolution by providing two 14-year terms. The five remaining States granted copyright for single terms of 14, 20 and 21 years with no right of renewal [2].

Prior to the passage of the United States Constitution, several states passed their own copyright laws between 1783 and 1787, the first being Connecticut.

Since 1790, the Continental Congress has amended federal copyright law numerous times. Major amendments include the following:

— the Copyright Act of 1790 which established the United States copyright with term of 14 years with 14-year renewal:

This act granted authors the exclusive right to publish and sell maps, charts and books for a term of 14 years. This 14-year term was renewable for one additional 14-year term, if the author was alive at the end of the first time. With exception of the provision on maps and charts the Copyright Act of 1790 was almost verbatim copied from the Statute of Anne. This Act did not regulate other kinds of writings, such as musical compositions or newspapers and specifically noted that it did not prohibit copying the works of foreign authors. The vast majority of writings were never registered. Under the Copyright Act of 1790 federal copyright protection was only granted if the author met certain "statutory formalities". For example, authors were required to include a proper copyright notice. If formalities were not met, the work immediately entered into the public domain [3];

— the Copyright Act of 1831 which extended the term to 28 years with 14-year renewal:

It was the first comprehensive revision of the copyright law which expanded the subject matter of copyright to include musical compositions. The term "historical print" was enlarged to "any print or engraving". The requirement of newspaper notice of copyright was deleted except in respect to renewals. The first term of protection was extended to 28 years, but the renewal period remained 14 years. The renewal privilege was granted not only to the

author, but also to his widow or children if he himself was no longer living at the end of the original term [4];

— the Copyright Act of 1909 which extended the term to 28 years with 28-year renewal:

The third general revision of the copyright laws was signed by the President Theodore Roosevelt, one of his last official acts. The act, which came into force on July 1, 1909, is, with some minor amendments, the basic law in force today. Among the notable changes in the 1909 law as compared with the old law are the following: a) copyright was secured by publication of the work with notice of copyright; b) copyright was made available for unpublished works designed for exhibition, performance, or oral delivery; c) works of foreign origin in foreign languages were exempted from the requirement of American manufacture; d) the renewal term of protection was extended by 14 years to bring the maximum term of protection up to 56 years and the requirement of newspaper copyright notice for renewals, the last category for which the requirement remained, was deleted; and (e) proprietors of musical compositions were granted initial mechanical recording rights, subject to a compulsory licensing provision [4];

— the Copyright Act of 1976 which extended the term to either 75 years or the life of the author plus 50 years (prior to this, the interim renewal acts of 1962 through 1974 ensured that the copyright in any work in its second term as of September 19, 1962 would not expire before December 31, 1976). It extended federal copyright to unpublished works; pre-empted state copyright laws; codified much copyright doctrine that had originated in case law [5];

— the Berne Convention Implementation Act of 1988 which established copyrights of the United States works in Berne Convention countries [6];

— the Copyright Renewal Act of 1992 which removed the requirement for renewal;

— the Uruguay Round Agreements Act (URAA) of 1994 which restored the United States copyright for certain foreign works;

— the Copyright Term Extension Act of 1998 which extended terms to 95/120 years or life plus 70 years;

— the Digital Millennium Copyright Act of 1998 (DMCA) which criminalized some cases of copyright infringement and established the Section 512 notice-and-takedown regime, etc.

Literature

1. U.S. Constitution, Article 1 section 8 // Access: https://www.senate.gov/ civics/ constitution_item/constitution.htm.

2. Peter K, Yu. Intellectual Property and Information Wealth: Copyright and related rights. – Greenwood Publishing Group. – P. 142.

3. The Copyright Act of 1790 // Access regime: https://www.copyright.gov/ title17/.

4. Notable dates in American copyright compiled by Benjamin W. Rudd //

Access: https://www.copyright.gov/history/dates.pdf.
5. The Copyright Act of 1976 // Access: https://www.copyright.gov/title17/92appa.pdf.
6. The Berne Convention Implementation Act of 1988 // Access: https://copyright.gov/title17/92appk.pdf.

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INTERNATIONAL LABOUR STANDARDS AND COLLECTIVE LABOUR RELATIONS: CASE ESTONIA

Collective labour relations have played an important role in development labour law. Although in the international history not always the collective labour relations have been allowed, they have existed partly. At the beginning of the industrial revolution the collective labour relations where to a certain extent forbidden and the participation in those labour relations was punished by the penal law.

Since the collective agreement was recognised as the legal source, the attitude to the collective agreements and collective labour relations has changed.

During the soviet time the collective labour relations at least theoretically existed. There was only one part of collective labour relations that was existing – collective agreement – but there was no opportunity for collective labour disputes. Therefore, there was no real bargaining for conclusion of a collective agreement. Also, the fact that the only employer was state, did not give any real opportunity for development of collective labour relations.

One can state, that in Europa there are two kinds of standards that a state must fulfil. On the one side, there are the standards that have been created by the International Labour organisation (hereinafter ILO). For the European states in the broad meaning the importance is also connected with the European Social Charter. The both standards will establish the basic principles of collective labour relation: freedom of associations and the right to organise collective actions.

In the framework of freedom of associations, the two ILO conventions are most important [1]. Although it has mentioned in the literature, that the right to strike has not been mentioned directly, still the ILO recommendations mention also the right to strike among other collective labour rights.

The European Social charter is in that sense more precise. It mentions the right to strike, but also the right to organise the lock outs are recognised [2].

In international and European level level one can state that the right to