

## Abstract

### Moral Right in U.S.A.

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According to the Berne Convention, Contracting Parties should adopt moral right in the national copyright act. However, U.S. has not adopted the system for all authors and instead it grants the right only to visual artists. U.S. argues that its legal systems protect all rights which other contracting parties have protected because U.S. courts have protected those rights with other provisions of the Copyright Act, Lanham Act §43(a), right of publicity, contractual violations, fraud and misrepresentation, unfair competition, and defamation, and more than 10 state statutes grant moral rights to visual artists like other contracting parties. Until now, while most articles explain VARA provisions under the Copyright Act, there have been few explanations on how courts have delivered the opinions about them. This paper explains how to protect authors with cases about defamations and unfair competitions, and with the Lanham Act. Then it explains the most important two moral right statutes (California Art Preservation Act and New York Artists' Authorship Rights Act), models of moral right statutes in more than 10 states, and finally, introduces moral right under VARA.

**Keywords:** Moral Rights in U.S., Berne Convention, VARA, Defamation, Lanham Act