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Why Is the IETF Trust Requiring “All Rights Reserved” When That Term Has
Been Superfluous for Over 25 Years?
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Abstract

This document discusses the continued appearance of the phrase “All Rights Reserved” in IETF Trust copyright notices, despite the phrase no longer being required for copyright protection in many jurisdictions. It asks whether the phrase serves a present legal or operational purpose in IETF documents, or whether it should be removed or replaced.

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1. Executive Summary

The phrase “All Rights Reserved” originated as a formal requirement under the 1910 Buenos Aires Convention, which conditioned copyright protection on an explicit reservation of rights. However, this requirement became obsolete once all Buenos Aires Convention parties acceded to the Berne Convention, whose Article 5(2) prohibits conditioning copyright on formalities.

As a result, the phrase no longer serves a necessary legal function in modern copyright regimes. Its continued inclusion in IETF Trust copyright notices appears to be a historical artifact rather than a functional requirement.

This document examines whether the phrase provides any present legal or operational value in IETF documents and considers whether its continued use should be reconsidered.

2. Introduction

The phrase “All Rights Reserved” was commonly used to satisfy Article 3 of the 1910 Buenos Aires Convention (BAC), which required that a work contain a statement indicating reservation of rights in order to receive protection in other Convention states. [BAC-TEXT] The phrase was therefore historically required in the inter-American copyright system, particularly before the United States and all Buenos Aires Convention parties were covered by broader formality-free copyright regimes.

That function became effectively obsolete no later than August 23, 2000, when Nicaragua, apparently the last Buenos Aires Convention party not yet in Berne, became bound by the Berne Convention. Berne Article 5(2) provides that the enjoyment and exercise of copyright “shall not be subject to any formality.” [BERNE-TEXT] The continued use of “All Rights Reserved” in IETF Trust notices appears to be a legacy artifact rather than a legally necessary reservation.

Retaining obsolete legal language may create confusion about the scope of rights granted under IETF Trust terms and obscure the actual licensing framework.

3. Problem Statement

The phrase “All Rights Reserved” continues to appear in IETF Trust copyright notices despite no longer being required for copyright protection under applicable international treaties. This raises the question of whether the phrase serves any current legal or operational purpose, or whether its continued use is unnecessary and potentially confusing.

4. Why It Is No Longer Necessary

By August 23, 2000, every state listed by the World Intellectual Property Organization (WIPO) as a contracting party or signatory of the Buenos Aires Convention had become party to the Berne Convention. [BAC-PARTIES] As a result, the Buenos Aires Convention notice formula no longer served any practical treaty function among those states, because Berne Article 5(2) prohibits conditioning the enjoyment or exercise of copyright on formalities.

5. List Of Buenos Aires Convention Parties And Berne Accession Date

Country	BAC Status	Berne Accession Date	Effective
Argentina	Apr 19 1950	Jun 10 1967	1967
Bolivia	May 15 1914	Nov 4 1993	1993
Brazil	Aug 31 1915	Feb 9 1922	1922
Chile	Jun 14 1955	Jun 5 1970	1970
Costa Rica	Nov 30 1916	Jun 10 1978	1978
Cuba *		Feb 20 1997	1997

Dominican Republic	Oct 31 1912	Dec 24 1997	1997
Ecuador	Apr 27 1914	Oct 9 1991	1991
El Salvador *		Feb 19 1994	1994
Guatemala	Mar 28 1913	Jul 28 1997	1997
Haiti	Nov 27 1919	Jan 11 1996	1996
Honduras	Apr 27 1914	Jan 25 1990	1990
Mexico	Apr 24 1964	Jun 11 1967	1967
Nicaragua	Dec 15 1913	Aug 23 2000	2000
Panama	Nov 25 1913	Jun 8 1996	1996
Paraguay	Sep 20 1917	Jan 2 1992	1992
Peru	Apr 30 1920	Aug 20 1988	1988
United States	Jul 13 1914	Mar 1 1989	1989
Uruguay	May 11 1919	Jul 10 1967	1967
Venezuela *		Dec 30 1982	1982

Table 1: Buenos Aires Convention and Berne Convention Status

* Signed only, no BAC in-force date shown by WIPO

6. What Is Not Being Proposed

This document does not necessarily recommend that the IETF eliminate copyright notices altogether. A copyright notice can still serve useful evidentiary and administrative functions. It identifies the claimed copyright owner, records the year of publication, and helps document the rights claimed by the IETF Trust and, where applicable, by individual authors. In the United States, although copyright notice is no longer a condition of copyright protection for works published after the Berne Convention Implementation Act, a proper notice may still have consequences in infringement litigation. In

particular, 17 U.S.C. § 401(d) limits a defendant's ability to rely on innocent infringement to reduce statutory damages when the published work bears an appropriate copyright notice. The issue addressed by this document is therefore not whether copyright notices have any continuing value, but whether the specific phrase "All Rights Reserved" continues to serve any useful legal or operational purpose in IETF documents.

7. IANA Considerations

Unless IANA mandates the term "All Rights Reserved" on documents it issues, this document has no IANA actions.

8. Security Considerations

This document does not raise any security issues.

9. Conclusion

The continued inclusion of "All Rights Reserved" appears unnecessary and may warrant reconsideration in light of current copyright law and IETF Trust practices.

10. References

10.1. Normative References

[BAC-PARTIES]

World Intellectual Property Organization, "Buenos Aires Convention: Contracting Parties/Signatories", n.d.,
<<https://www.wipo.int/wipolex/en/treaties/parties/398>>.

10.2. Informative References

[BAC-TEXT] "The Buenos Aires Convention", n.d.,
<https://web.archive.org/web/20061012213626/http://ipmall.info/hosted_resources/lipa/copyrights/The%20Buenos%20Aires%20Convention.pdf#search=%22Buenos%20Aires%20Convention%22>.

[BERNE-TEXT]

"Berne Convention for the Protection of Literary and Artistic Works (as amended on September 28, 1979) (Authentic text)", n.d.,
<<https://www.wipo.int/wipolex/en/text/283698>>.

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