

ers incident thereto which are conferred by such act, including, without limitation, the powers to receive, transfer, release or return property, interests therein, or proceeds thereof.

2. It is the policy of this order that the Secretary of State, with the concurrence of the Attorney General, shall perform all functions necessary or appropriate to give effect to any agreement made pursuant to the said act of September 28, 1950, with relation to the protection of American interests in property outside the United States, and that the Attorney General, with the concurrence of the Secretary of State, shall perform all functions necessary or appropriate to give effect to any such agreement with relation to property subject to the jurisdiction of the United States, and that all other functions relating to the effectuation of any such agreement shall be performed as may be agreed by the Secretary of State and the Attorney General. However, no action taken hereunder by either the Secretary of State or the Attorney General shall be considered to be invalid on the ground that under the provisions of this order such action was within the jurisdiction of the Secretary of State rather than the Attorney General, or vice versa, or that concurrence was not obtained, or that such action was not joint.

3. The Secretary of State and the Attorney General may each delegate to the other or to any other officer, person, or agency within his respective department such of his functions under this order as he may deem necessary.

4. Any money, property, or interest received as reimbursement by the United States by virtue of any agreement made pursuant to the said act of September 28, 1950, shall be administered and disposed of by the Attorney General as vested property pursuant to the said Trading With the Enemy Act, as amended [50 U.S.C. 4301 et seq.]. Any other money, property, or interest received by the Secretary of State or the Attorney General pursuant to any such agreement shall be administered and disposed of pursuant to the provisions of such agreement.

HARRY S. TRUMAN.

**§ 4338. Divestment of estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits; exceptions; notice of divestment**

**(a) In general**

Subject to the provisions of subsection (b) hereof, all rights and interests of individuals in estates, trusts, insurance policies, annuities, remainders, pensions, workmen's compensation and veterans' benefits vested under this chapter after December 17, 1941, which have not become payable or deliverable to or have not vested in possession in the Attorney General prior to December 31, 1961, are divested: *Provided*, That the provisions of this section shall not affect the right of the Attorney General to retain all such property rights and interests and to collect all income which is payable to or vested in possession in him prior to December 31, 1961.

**(b) Exception to requirement where beneficial owner convicted of certain crimes**

Nothing contained in this section shall divest or require the divestment of any portion of any such interest the beneficial owner of which is a natural person who has been convicted personally and by name by a court of competent jurisdiction of murder, ill treatment, or deportation for slave labor of prisoners of war, political opponents, hostages, or civilian population in occupied territories, or of murder or ill treatment of military or naval persons, or of plunder or

wanton destruction without justified military necessity.

**(c) Notice of divestment**

At the earliest practicable time after the effective date of this Act, the Attorney General shall transmit to the lawful owner or custodian of any interest divested by this section written notice of such divestment.

(Oct. 6, 1917, ch. 106, § 40, as added Pub. L. 87-846, title II, § 205, Oct. 22, 1962, 76 Stat. 1115.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsec. (a), was in the original "this Act", meaning act Oct. 6, 1917, ch. 106, 40 Stat. 411, known as the Trading with the enemy Act, also known as the Trading with the Enemy Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4301 of this title and Tables.

The effective date of this Act, referred to in subsec. (c), probably means the date of enactment of Pub. L. 87-846, which added this section and was approved Oct. 22, 1962.

CODIFICATION

Section was formerly classified to section 41 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

**§ 4339. Claims for proceeds from sale of certain certificates: jurisdiction, limitations; divestment of copyrights: "copyrights" defined, rights of licensees and assignees, reproduction rights of United States, transfer of interests, payment of royalties to Attorney General, suits for infringement**

**(a) Jurisdiction**

Notwithstanding any statute of limitation, lapse of time, any prior decision by any court of the United States, or any compromise, release or assignment to the Alien Property Custodian, jurisdiction is hereby conferred upon the United States Court of Federal Claims to hear, determine, and render judgment upon the claims against the United States for the proceeds received by the United States from the sale of the property vested under the provisions of this chapter by vesting order numbered 33 relating to certificate numbers 104 to 121, inclusive, 125, 126, 128 to 134, inclusive, and 137 to 139, inclusive. Proceedings with respect to such claims may be instituted hereunder not later than two years after October 22, 1962.

**(b) "Copyrights" defined**

As used in this section the word "copyrights" includes copyrights, claims of copyrights, rights to copyrights, and rights to copyright renewals.

**(c) Divestment of copyrights; limitations; transfer of remaining rights and interests**

All copyrights vested in the Alien Property Custodian or the Attorney General under the provisions of this chapter subsequent to December 17, 1941, which have not been returned or otherwise disposed of under this chapter, except copyrights vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), 17366 (16 F.R. 2483), and 17952 (16 F.R. 6162) and

copyrights vested with respect to the motion picture listed last in exhibit A of vesting order 11803, as amended (13 F.R. 5167, 15 F.R. 1626), are hereby divested as a matter of grace, effective the ninety-first day after October 22, 1962, and the persons entitled thereto shall on that day succeed to the rights, privileges, and obligations arising out of such copyrights, subject, however, to—

- (1) the rights of licensees under licenses issued by the Alien Property Custodian or the Attorney General in respect of such copyrights;
- (2) the rights of assignees under assignments by the Alien Property Custodian or the Attorney General of interests in such licenses; and
- (3) the right retained by the United States to reproduce, for its own use, or exhibit any divested copyrighted motion picture films.

The rights and interests remaining in the Attorney General under licenses issued by him or by the Alien Property Custodian in respect to copyrights divested hereunder are hereby transferred, effective the day of divestment, to the persons entitled to such copyrights: *Provided*, That all unpaid royalties or other income accrued in favor of the Attorney General under such licenses prior to the day of divestment shall be paid by the licensees to the Attorney General.

**(d) Rights or interests arising out of prevesting contracts**

All rights or interests vested in the Alien Property Custodian or the Attorney General under the provisions of this chapter subsequent to December 17, 1941, arising out of prevesting contracts entered into with respect to copyrights, except—

- (1) royalties or other income received by or accrued in favor of the Alien Property Custodian or the Attorney General under such contracts;
- (2) rights or interests which have been returned or otherwise disposed of under this chapter; and
- (3) rights or interests vested by vesting orders 128 (7 F.R. 7578), 13111 (14 F.R. 1730), 14349 (15 F.R. 1575), and 17366 (16 F.R. 2483),

are hereby divested as a matter of grace, effective the ninety-first day after October 22, 1962, and the persons entitled to such rights or interests shall succeed thereto, subject to the right of the Attorney General to collect and receive all unpaid royalties or other income accrued in his favor under such prevesting contracts prior to the day of divestment.

**(e) Suits for infringement**

Nothing in this section shall be construed to transfer to a person entitled to a copyright divested hereunder the right of the Attorney General to sue for the infringement of such copyright during the period between (1) the vesting thereof or the vesting of rights and interests in a contract entered into with respect thereto, and (2) the day of divestment. The right to sue for infringement shall remain in the Attorney General.

(Oct. 6, 1917, ch. 106, § 41, as added Pub. L. 87-846, title II, § 206, Oct. 22, 1962, 76 Stat. 1115; amended

Pub. L. 88-490, Aug. 26, 1964, 78 Stat. 607; Pub. L. 97-164, title I, § 161(9), Apr. 2, 1982, 96 Stat. 49; Pub. L. 102-572, title IX, § 902(b)(1), Oct. 29, 1992, 106 Stat. 4516.)

**Editorial Notes**

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a), (c), and (d), was in the original “this Act” or “the Trading With the Enemy Act”, meaning act Oct. 6, 1917, ch. 106, 40 Stat. 411, also known as the Trading with the enemy Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see section 4301 of this title and Tables.

CODIFICATION

Section was formerly classified to section 42 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

AMENDMENTS

1992—Subsec. (a). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1982—Subsec. (a). Pub. L. 97-164 substituted “Claims Court” for “Court of Claims”.

1964—Subsec. (a). Pub. L. 88-490 substituted “render judgment upon” for “report to the Congress concerning” and “two years after October 22, 1962” for “one year after the date of the enactment of this Act”.

**Statutory Notes and Related Subsidiaries**

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of Title 28, Judiciary and Judicial Procedure.

**Executive Documents**

TRANSFER OF FUNCTIONS

Functions vested by law in Alien Property Custodian and Office of Alien Property Custodian transferred to Attorney General by Reorg. Plan No. 1 of 1947, § 101, eff. July 1, 1947, 12 F.R. 4534, 61 Stat. 951, set out in the Appendix to Title 5, Government Organization and Employees.

**§ 4340. Divestment of trademarks**

**(a) “Trademarks” defined**

As used in this section, the word “trademarks” includes trademarks, trade names, and the goodwill of the business to which a trademark or trade name is appurtenant.

**(b) Effective date of divestment; rights of licensees; transfer of interests; payment of royalties to Attorney General**

Trademarks vested in the Alien Property Custodian or the Attorney General under the provisions of this chapter subsequent to December 17, 1941, which have not been returned or otherwise disposed of under this chapter, except trademarks vested by vesting orders 284, as amended (7 Fed. Reg. 9754, 9 Fed. Reg. 1038), 2354 (8 Fed. Reg. 14635), 5592 (11 Fed. Reg. 1675), and 18805 (17