

## The Function of Moral Rights in Protecting Cultural Assets : Limitations of Proprietary under the U.S.C. and California Civil Code

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To protect cultural interests in property, it is necessary to restrict proprietary, because owners of cultural properties do not always protect their property even though it may be expected.

Various laws restrict proprietary to protect cultural interests and some restrictions result in cultural interests being protected whether or not that was the original aim.

For methodical protection of cultural interests, it is essential to examine their characteristics and their mutual relationships. Restrictions can be classified into 3 categories: special law for culture, intellectual property law and general property law.

This article analyzes the characteristics of restrictions on proprietary regarding intellectual property law by examining U.S. law.

First, I review moral rights in common law and the former federal copyright law.

Then, I introduce the California Art Preservation Act and Visual Artists Rights Act to examine the function of moral rights in protecting cultural property.