
C O R R E S P O N D E N C E

RESPECTING THE

FORMATION

OF AN

INTERNATIONAL COPYRIGHT UNION.

*Presented to both Houses of Parliament by Command of Her Majesty.
January 1886.*

L O N D O N :

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Correspondence respecting the Formation of an International Copyright Union.

No. 1.

M. Vernet to Earl Granville.—(Received December 18.)

My Lord,

25, Old Broad Street, December 17, 1883.

I HAVE the honour to forward to your Lordship a Circular note from the Swiss Federal Council, which they addressed to the Governments of all civilized countries, inviting them to take part in a Diplomatic Conference with a view to protecting literary and artistic property.

The note is accompanied by two copies of the official Report of the Conference of the International Literary Association, which took place at Berne in September last.*

I am, &c.
(Signed) H. VERNET,
Agent and Consul-General for Switzerland.

Inclosure in No. 1.

The President of the Swiss Confederation to Earl Granville:

(Circulaire.)
Excellence,

Berne, le 3 Décembre, 1883.

LA protection des droits des auteurs d'œuvres de littérature et d'art (propriété littéraire et artistique) tend à devenir de plus en plus l'objet de Conventions Internationales. Il est en effet dans la nature des choses que l'œuvre du génie de l'homme, une fois qu'elle a vu le jour, ne puisse plus être restreinte à un seul pays et à une seule nationalité; si elle a quelque valeur, elle ne tarde pas à se répandre dans tous les pays sous des formes qui peuvent varier plus ou moins, mais qui laissent néanmoins subsister dans son essence et dans ses principales manifestations la pensée créatrice. Voilà pourquoi, après que tous les États civilisés ont reconnu et garanti par leurs Législations intérieures le droit de l'écrivain et de l'artiste sur son œuvre, le besoin impérieux s'est montré de protéger aussi ce droit dans les relations internationales qui vont tous les jours se multipliant et grandissant. C'est à ce besoin que l'on s'est efforcé de répondre par les nombreuses Conventions conclues dans les dernières années entre les principaux États.

Mais, quels que soient les avantages que ces Conventions présentent, il faut reconnaître qu'elles sont loin de protéger d'une manière uniforme, efficace, et complète les droits d'auteur. Cette insuffisance tient sans contredit à la diversité des Législations nationales, dont le régime conventionnel a dû nécessairement tenir compte.

Les inégalités et même les graves lacunes qu'offre le droit international actuel ne pouvaient manquer d'affecter vivement les intéressés, auteurs, éditeurs ou autres ayants droit. Aussi voyons-nous se produire de leur part les plus grands efforts pour aboutir, d'un côté, à la reconnaissance universelle des droits d'auteur sans distinction de nationalité, et, de l'autre, à l'uniformité désirable dans les principes qui régissent la matière.

C'est en grande partie pour réaliser ce but qu'a été fondée en 1886 l'Association Littéraire Internationale, qui compte dans son sein des représentants éminents d'un

* Not printed.

grand nombre de pays et qui dès cette époque a tenu chaque année un Congrès général dans diverses capitales de l'Europe.

Sur l'initiative de cette Association, une Conférence de Délégués s'est réunie à Berne au mois de Septembre dernier afin de discuter les bases d'une Union générale pour la protection des droits d'auteur. Elle a élaboré à cet effet un projet de Convention destiné à être soumis à l'appréciation bienveillante des Gouvernements de tous les pays civilisés et elle a demandé au Conseil Fédéral Suisse de bien vouloir le leur transmettre en leur proposant la réunion d'une Conférence Diplomatique chargée de l'examiner.

En considération de l'utilité et de la grandeur de l'œuvre poursuivie, qui répond à un sentiment de justice universellement admis, le Conseil Fédéral Suisse n'a pas hésité à accepter la mission dont il s'agit. Il s'en acquitte aujourd'hui en vous transmettant les procès-verbaux de la Conférence Littéraire Internationale de Berne, procès-verbaux qui renferment, p. 19, le projet de Convention que la Conférence désirerait voir adopter par tous les États.

Le Conseil Fédéral n'a point dissimulé aux initiateurs de ce projet qu'il voyait des difficultés à sa réalisation immédiate dans toute son étendue. En effet, les Conventions récemment conclues ou en vigueur depuis un certain nombre d'années sont plus ou moins en contradiction avec telle ou telle partie des dispositions de ce projet, et il ne faut pas s'attendre à ce que ces Conventions puissent facilement être modifiées avant leur échéance.

Mais, d'autre part, ce serait certainement un grand gain que d'aboutir dès maintenant à une entente générale par laquelle se trouverait proclamé le principe supérieur et, pour ainsi dire, de droit naturel; que l'auteur d'une œuvre littéraire ou artistique, quels que soient sa nationalité et le lieu de reproduction, doit être protégé partout à l'égal des ressortissants de chaque nation.

Ce principe fondamental, qui ne heurte aucune Convention existante, une fois admis et l'Union générale constituée sur cette base, il est hors de doute que, sous l'influence de l'échange de vues qui s'établirait entre les États de l'Union, les différences les plus choquantes qui existent dans le droit international s'effaceraient successivement pour faire place à un régime plus uniforme et conséquemment plus sûr pour les auteurs et leurs ayants droit.

C'est dans ce sens que le Conseil Fédéral Suisse croit pouvoir appuyer auprès des Gouvernements de tous les pays la demande de l'Association Littéraire Internationale. Si, comme il l'espère, cette initiative est favorablement accueillie, il se fera un honneur et un plaisir de les inviter à se faire représenter, dans le courant de l'année prochaine, à une Conférence Diplomatique qui examinera quelles sont les dispositions communes que l'état soit de la Législation intérieure de chaque pays, soit du droit international, permet actuellement d'adopter.

Le Conseil Fédéral espère que votre Gouvernement voudra bien lui faire part de ses vues à ce sujet, et il saisit, &c.

Au nom du Conseil Fédéral Suisse :

Le Président de la Confédération,

(Signé) L. RUCHONNET.

Le Chancelier de la Confédération,

(Signé) RINGIER.

(Translation.)

(Circular.)

Excellency,

Berne, December 3, 1883.

THE protection of the rights of authors of literary and artistic works (literary and artistic property) is becoming more and more the object of International Conventions. It is, in fact, in the nature of things that the work of man's genius, when it has once seen the light, can no longer be restricted to one country and to one nationality. If it possesses any value, it is not long in spreading itself in all countries, under forms which may vary more or less, but which, however, leave in its essence and its principal manifestations the creative idea. This is why, after all civilized States have recognized and guaranteed by their domestic legislation the right of writer and of artist over his work, the imperative necessity has been shown of protecting this right also in international relations, which multiply and grow daily. This need has been supplied by the numerous Conventions concluded between the principal States during the last few years.

But whatever advantage these Conventions present, it must first be recognized

that they are far from protecting the author's rights in a uniform, efficacious, and complete manner. This inefficiency is, without doubt, connected with the divergency of national laws, which the conventional régime has necessarily been obliged to take into account.

The inequalities, and even the grave omissions, which the present international law presents cannot fail strongly to affect those concerned; authors, editors, or other interested parties. We therefore see the greatest efforts produced on their part in order to secure, on the one hand, universal recognition of the rights of authors without distinction of nationality, and, on the other, the desirable uniformity in the principles which regulate the question.

It is, in a great manner, in order to realize this end that the International Literary Association was founded in 1866; which reckons among its members eminent representatives of a great number of countries, and which, from that time, has held every year a general Congress in the different capitals of Europe.

On the initiative of that Association, a Conference of Delegates was assembled at Berne in the month of September last, in order to discuss the bases of a general Union for the protection of the rights of authors. It has elaborated, with this view, a project of Convention destined to be submitted to the favourable consideration of the Governments of all civilized countries, and it has asked the Swiss Federal Council to be good enough to transmit it to them, proposing at the same time that a Diplomatic Conference be called together to examine it.

In consideration of the usefulness and of the greatness of the work aimed at, which responds to a feeling of justice universally admitted, the Swiss Federal Council has not hesitated to accept the mission. It acquits itself of this mission to-day by sending you the *procès-verbaux* of the Literary International Conference at Berne,* which comprise, p. 19, the project of Convention which the Conference would desire to see adopted by all States.

The Federal Council has not hid from the initiators of this project that it sees difficulties in its immediate realization in its entirety. In fact, the Conventions recently concluded, or in force for the last few years, are more or less in contradiction with such or such part of the dispositions of this project, and it is not to be expected that these Conventions can easily be modified before they lapse.

But, on the other hand, it would certainly be a great gain to agree at present to a general understanding by which the higher principle, and, as it were, the natural right, should be proclaimed, that the author of a literary or artistic work, no matter what may be his nationality, or the place of reproduction, ought to be protected everywhere equally with natives of each State.

This fundamental principle, which does not interfere with any existing Convention, once admitted, and the general Union constituted on this basis; it is beyond doubt that, under the influence of the exchange of views which would be established between the States of the Union, the startling differences which exist in international law would be, by degrees, removed, to give place to a more uniform and, consequently, more certain régime for authors and their legal representatives.

It is in this sense that the Swiss Federal Council considers it can press upon the Governments of all countries the request of the International Literary Association. If, as it is hoped, this initiative is favourably received, the Federal Council will give itself the honour and pleasure of inviting them to send Representatives, in the course of next year, to a Diplomatic Conference, which will examine as to what common steps can now be adopted in the existing state of the domestic legislation of each country or of international law.

The Federal Council hopes that your Government will be so good as to make known their views on this subject.

In the name of the Swiss Federal Council:

The President of the Confederation,

(Signed)

L. RUCHONNET.

The Chancellor of the Confederation,

(Signed)

RINGIER.

No. 2.

Lord E. Fitzmaurice to Mr. Calcraft.

Sir, *Foreign Office, December 20, 1883.*
 I AM directed by Earl Granville to transmit to you a copy of a note, with inclosures, from the Swiss Agent and Consul-General in London, inviting Her Majesty's Government to take part in a Diplomatic Conference on the subject of copyright, to be held at Berne during the course of next year;* and I am to request that you will move the Board of Trade to favour his Lordship with their views as to the expediency of this country being represented at the forthcoming Conference.

I am, &c.
 (Signed) EDMOND FITZMAURICE.

No. 3.

Lord E. Fitzmaurice to M. Vernet.

Sir, *Foreign Office, December 20, 1883.*
 I AM directed by Earl Granville to acknowledge the receipt of your note of the 17th instant, containing an invitation to Her Majesty's Government to take part in a Diplomatic Conference on the subject of copyright to be held at Berne during the course of next year; and I am, in reply, to state to you that Her Majesty's Government will carefully consider the matter, and that his Lordship will inform you as soon as possible of the decision which may be arrived at.

I am, &c.
 (Signed) EDMOND FITZMAURICE.

No. 4.

Mr. Trevor to Lord E. Fitzmaurice.—(Received December 28.)

Sir, *Board of Trade, London, December 27, 1883.*
 I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 20th instant, in which, by direction of Earl Granville, you ask that his Lordship may have the opinion of the Board of Trade as to the expediency of this country being represented at a Conference designed to be held at Berne during the next year on the subject of international copyright, and, in reply, to state, for the information of the Secretary of State for Foreign Affairs, that the Board of Trade are of opinion that, in the present state of the Copyright question, it would not be advisable for Her Majesty's Government to be represented at the proposed Conference.

I have, &c.
 (Signed) C. CECIL TREVOR.

No. 5.

Sir J. Pauncefote to Mr. Trevor.

Sir, *Foreign Office, January 7, 1884.*
 I AM directed by Earl Granville to acknowledge the receipt of your letter stating that the Board of Trade are of opinion that, in the present state of the Copyright question, it would not be advisable for Her Majesty's Government to be represented at the Conference on copyright to be held this year at Berne.

In reply, I am to state that before a decision is arrived at Lord Granville would be glad to be favoured with the reasons upon which the conclusion of the Board of Trade is founded.

I am, &c.
 (Signed) JULIAN PAUNCEFOTE.

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Sir J. Pauncefote to Mr. Calcraft.

Sir,

Foreign Office, January 22, 1884.

WITH reference to my letter of the 7th instant, I am directed by Earl Granville to request you to state to the Board of Trade that his Lordship is disposed to think it might be advisable that Mr. Adams, Her Majesty's Minister at Berne, should be instructed to attend the Copyright Conference to be held this year in that city in a consultative capacity, and with no power to vote or to bind Her Majesty's Government, and I am to inquire whether the Board of Trade are prepared to concur in such a course.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 7.

Mr. Calcraft to Sir J. Pauncefote.—(Received January 24.)

Sir,

Board of Trade, London, January 23, 1884.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 22nd instant as to the nature of the instructions which Earl Granville is disposed to think it might be advisable to give to Her Majesty's Minister at Berne in respect to his proposed attendance at the Copyright Conference to be held in that city, and, in reply, to state, for the information of his Lordship, that the Board of Trade quite concur in the course proposed.

I have, &c.

(Signed) HENRY G. CALCRAFT.

No. 8.

Sir J. Pauncefote to M. Vernet.

Sir,

Foreign Office, January 31, 1884.

IN reply to your note of the 17th ultimo, I am directed by Earl Granville to state to you that his Lordship will have much pleasure in instructing Mr. Adams, Her Majesty's Minister at Berne, to attend as British Delegate the Copyright Conference which it is proposed to hold in that city during the course of the present year.

I am, however, to add that Mr. Adams will attend in a consultative capacity only, and will not be authorized to pledge Her Majesty's Government to any conclusions or resolutions upon the Copyright question which the Conference may adopt.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 9.

*Earl Granville to Mr. Adams.**

Sir,

Foreign Office, February 2, 1884.

I TRANSMIT to you herewith a copy of a note which I have received from the Swiss Agent and Consul-General in London, inclosing an invitation to Her Majesty's Government to participate in a Conference respecting copyright which it is proposed to hold at Berne during the course of the present year, the aims and object of which are described in the papers annexed to M. Vernet's note, which are also inclosed.†

Her Majesty's Government have decided that it will be advisable for you to attend this Conference as British Delegate, but you will be present in a purely consultative capacity, and will have no power to vote or to bind Her Majesty's Government to accept any views upon the Copyright question which may be adopted by the Conference.

* To Board of Trade in original, July 8.

† No. 1.

Her Majesty's Government are not yet aware of the date fixed for the meeting of the Conference, but you will inform the Swiss Government that you have been instructed to attend as British Delegate, and will hold yourself in readiness to do so whenever the first meeting may take place.

I am, &c.
(Signed) GRANVILLE.

No. 10.

Mr. Adams to Earl Granville.—(Received February 7.)

My Lord,

Berne, February 5, 1884.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 2nd instant, and its inclosures, with reference to the invitation to Her Majesty's Government to participate in a Conference respecting copyright which it is proposed to hold at Berne during the course of the present year.

I have this day addressed a note to the President of the Swiss Confederation in the sense of your Lordship's despatch, and have informed his Excellency of the conditions on which I am to attend the Conference as British Delegate, and that I hold myself in readiness to do so whenever the first meeting may take place.

I have, &c.
(Signed) F. O. ADAMS.

No. 11.

M. Vernet to Earl Granville.—(Received July 4.)*

My Lord,

25, Old Broad Street, London, July 3, 1884.

WITH reference to my letter of the 17th December, 1883, and your Lordship's reply of the 31st January, 1884, concerning the proposed Conference on the subject of international copyright, I now have the honour to forward to your Lordship a Circular note from the Swiss Government containing the invitation for the Representatives of the different countries to meet at Berne on the 8th September proximo.

I have, &c.
(Signed) H. VERNET,
Agent and Consul-General for Switzerland.

Inclosure in No. 11.

The President of the Swiss Confederation to Earl Granville.

Excellence,

Berne, le 28 Juin, 1884.

EN date du 3 Décembre, 1883, le Conseil Fédéral Suisse a eu l'honneur de communiquer à votre Excellence le projet de Convention élaboré par l'Association Littéraire Internationale en vue de constituer une "Union générale pour la protection des droits des auteurs sur leurs œuvres littéraires et artistiques." A cette occasion, il a émis l'idée qu'il y aurait un gain réel à établir entre les Gouvernements de tous les pays civilisés une entente générale sur le grand principe qui est à la base de l'Association et qui consiste à assurer une protection aussi efficace que possible, par delà les frontières politiques, aux produits de l'esprit humain dans le domaine supérieur de la littérature et de l'art; de plus, il a cru devoir indiquer qu'une Conférence Diplomatique lui paraissait le meilleur moyen pour rechercher si, et de quelle manière, on pouvait arriver à un accord commun sur la protection internationale à accorder aux auteurs d'œuvres littéraires et artistiques, et il a ajouté que, si sa proposition trouvait de l'écho auprès des Hauts Gouvernements, il se ferait un honneur de les inviter à se faire représenter à une Conférence qui pourrait se réunir dans le courant de l'année 1884.

Le Conseil Fédéral Suisse peut maintenant constater avec satisfaction que son initiative a été couronnée de succès. Il se fait un devoir d'exprimer aux Hauts

* To Board of Trade in original, July 8.

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Gouvernements toute sa reconnaissance pour l'accueil favorable qu'ils ont bien voulu faire à sa proposition, et il ne désespère pas d'atteindre avec leur précieux concours le but élevé qu'il se propose.

Il ressort des notes reçues que, en principe, on admet généralement l'idée fondamentale du projet de l'Association Littéraire Internationale, d'après laquelle tous les États civilisés devraient étendre aux créations littéraires et artistiques qui voient le jour dans un autre État la protection qu'ils accordent eux-mêmes aux produits du travail indigène ; cet accord général crée ainsi une large base, sur laquelle il faut chercher à construire de nouvelles assises. Il s'agira d'abord d'étudier de quelle manière cela peut se faire sans porter une atteinte trop sensible à la législation interne des États particuliers, ni aux Conventions Internationales existantes. Le Conseil Fédéral estime que la Conférence en perspective ne devra pas prendre de résolutions de nature à lier les divers États, mais qu'elle doit avoir un caractère préliminaire et ne se donner d'autre tâche que de déterminer les principes généraux qui ont le plus de chance de se réaliser dans les circonstances actuelles. Les résultats provisoires ainsi obtenus seraient ensuite soumis à l'examen des Hauts Gouvernements, et l'on verrait alors s'il y a moyen de constituer l'Union générale projetée. Encouragé par l'accueil empressé qu'il a reçu de la part des Hauts Gouvernements, le Conseil Fédéral Suisse a résolu de convoquer une Conférence Diplomatique pour le 8 Septembre à Berne, où elle se réunira à 10 heures du matin dans la salle du Conseil des États, et il a l'honneur d'inviter votre Excellence à bien vouloir s'y faire représenter. Le Conseil Fédéral aime à espérer que le travail commun des Délégués éminents qui se réuniront à Berne réussira à faire progresser la grande œuvre commencée.

Le Conseil Fédéral se réserve de faire parvenir ultérieurement aux Hauts Gouvernements un projet et des documents qui pourraient servir de base aux délibérations de la Conférence.

Le Conseil Fédéral Suisse prie votre Excellence de bien vouloir lui faire savoir s'il peut compter sur la participation du Gouvernement Anglais à la Conférence Internationale dont la date est fixée plus haut, et il saisit, &c.

Au nom du Conseil Fédéral Suisse :

Le Président de la Confédération,
(Signé) WELTI.

Le Chancelier de la Confédération,
(Signé) RINGIER.

(Translation.)

Excellency,

Berne, June 28, 1884.

ON the 3rd December, 1883, the Swiss Federal Council had the honour to communicate to your Lordship the "projet de Convention" elaborated by the International Literary Association with the view of constituting a "general Union for the protection of the rights of authors over their literary and artistic works."

On that occasion the Council gave expression to the idea that it would be a real gain to establish between the Governments of all civilized countries a general understanding on the grand principle which is the basis of the Association, and which consists in assuring a protection as efficacious as possible, without regard to political frontiers, to the productions of the human brain in the higher walks of literature and of art. It also thought it expedient to point out that a Diplomatic Conference appeared to be the best manner for ascertaining if and how a common agreement could be arrived at for an international protection to be accorded to authors of literary and artistic works ; and it added that if the proposition should find favour with the Powers, it would give itself the honour of inviting them to send Representatives to a Conference to assemble in the course of the year 1884.

The Swiss Federal Council has now the satisfaction to state that its initiative has been crowned with success, and it considers it a duty to express to the Powers its gratitude for the favourable reception which they have been good enough to give to its proposal, and it does not despair of arriving, with their valuable assistance, at the high aim which it proposed to itself.

It appears, from the notes received, that the fundamental idea of the project of the International Literary Association is in principle generally admitted, by which all civilized States ought to extend to literary and artistic creations which first see light in another State the protection which they grant to the product of native talent ; this general agreement creates thus a broad basis on which to found further steps of progress. The first thing is to study in what way this can be done without interfering too forcibly with the internal legislation of particular States, or with existing

International Conventions. The Federal Council imagines that the prospective Conference ought not to pass Resolutions of a nature to bind the different States, but that it ought to be of a preliminary nature, and give itself no other duty than that of determining the general principles which have the greatest chance of being realized in the present state of affairs. The provisional results thus obtained would then be submitted to the examination of the Powers, and it would then be seen if it were possible to constitute the projected general Union. Encouraged by the most satisfactory reception it has received from the Powers, the Swiss Federal Council has resolved to convoke a Diplomatic Conference for the 8th September at Berne, where it will meet at 10 in the morning in the State Council Hall, and it has the honour to invite your Lordship to send a Representative.

The Federal Council hopes that the united efforts of the eminent Delegates who will meet at Berne will succeed in making some progress in this great work now begun.

The Federal Council reserves the right of sending later to the Powers a draft and documents to serve as a basis for the deliberations of the Conference.

The Swiss Federal Council begs your Lordship to be so good as to let them know if they may count upon the participation of the English Government in the International Conference, the date of which is named above, and avails, &c.

In the name of the Swiss Federal Council :

The President of the Confederation,
(Signed) WELTI.

The Chancellor of the Confederation,
(Signed) RINGIER.

No. 12.

Earl Granville to M. Vernet.

Sir,

Foreign Office, July 8, 1884.

I HAVE the honour to acknowledge the receipt of your note of the 3rd instant, enclosing a Circular note inviting the Representatives of the different countries to attend the Copyright Conference at Berne on the 8th September next.

In requesting you to be so good as to convey to the Swiss Government the thanks of Her Majesty's Government for this communication, I beg leave to say that in my note of the 31st January last I had the honour to inform you that Her Majesty's Minister at Berne would be instructed to attend this Conference on the part of Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 13.

The President of the Swiss Confederation to Earl Granville.—(Received August 25.)

Excellence,

Berne, le 22 Août, 1884.

POUR faire suite à nos communications relatives à la question d'une Convention générale pour la protection des œuvres littéraires et artistiques, nous avons l'honneur de transmettre ci-joint à votre Excellence un programme qui pourra peut-être servir de base aux délibérations de la Conférence Internationale qui se réunira à Berne le 8 Septembre prochain. Nous serons reconnaissants à votre Excellence de bien vouloir donner à ses Délégués des instructions sur les divers points de ce programme, qui n'a d'ailleurs, il est à peine besoin de le dire, qu'un caractère tout à fait préparatoire.

Dans notre opinion, le résultat des délibérations de la Conférence sera ensuite soumis à l'appréciation des hauts Gouvernements, qui jugeront, dans une nouvelle Conférence, s'il y a lieu de le transformer en un acte diplomatique.

Un certain nombre de questions spéciales devant être élucidées dans ce premier travail, plusieurs États se proposent de nommer entre autres comme Délégués des hommes particulièrement versés dans ces questions. Nous croyons devoir en informer

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votre Excellence, en ajoutant qu'à notre avis cela ne peut être que très profitable à l'élaboration de l'œuvre dont il s'agit.

Nous saisissons, &c.
 Au nom du Conseil Fédéral Suisse :
 Le Président de la Confédération,
 (Signé) WELTI.
 Le Chancelier de la Confédération,
 (Signé) RINGIER.

(Translation.)

My Lord,

Berne, August 22, 1884.

WITH reference to our communications relative to the question of a general Convention for the protection of literary and artistic works, we have the honour to transmit to your Lordship a programme which may serve as a basis for the deliberations of the International Conference which will meet at Berne on the 8th September next.

We shall be much obliged if your Lordship will give the English Delegates instructions on the different points touched in the programme, which is, it is scarcely necessary to say, of a preliminary nature.

In our opinion, the result of the deliberations of the Conference will afterwards be submitted to the consideration of the Governments, who will judge in a new Conference if there is cause for turning it into a diplomatic act.

A certain number of special questions having to be cleared up in this first Congress, several States propose to nominate amongst others as Delegates men particularly conversant with these questions. We consider it our duty to inform your Lordship that, in our opinion, this cannot fail to be very profitable for the elaboration of the work under consideration.

We avail, &c.
 In the name of the Swiss Federal Council :
 The President of the Confederation,
 (Signed) WELTI.
 The Chancellor of the Confederation,
 (Signed) RINGIER.

Inclosure in No. 13.

Programme proposé par le Conseil Fédéral Suisse pour la Conférence Internationale du 8 Septembre, 1884, à Berne.

LES États Contractants (énumération) sont constitués à l'état d'union pour la protection des droits des auteurs sur leurs œuvres littéraires et artistiques.

2. Les sujets ou citoyens de chacun des États Contractants jouiront dans tous les autres États de l'Union, en ce qui concerne la protection des droits des auteurs sur leurs œuvres littéraires et artistiques, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux. En conséquence, ils auront la même protection que ceux-ci et le même recours légal contre toute atteinte portée à leurs droits, sous réserve de l'accomplissement des formalités et des conditions prescrites par la législation du pays d'origine de l'œuvre.

3. Sont assimilés aux sujets ou citoyens des États Contractants les sujets ou citoyens des États ne faisant pas partie de l'Union, qui sont domiciliés ou ont fait éditer leur œuvre sur le territoire de l'un des États de l'Union.

4. L'expression "œuvres littéraires ou artistiques" comprend les livres, brochures, ou tous autres écrits ; les œuvres dramatiques ou dramatico-musicales, les compositions musicales avec ou sans paroles, et les arrangements de musique ; les œuvres de dessin, de peinture, de sculpture, de gravure, les lithographies, les cartes géographiques, les plans, les croquis scientifiques, et en général toute œuvre quelconque, littéraire, scientifique et artistique, qui pourrait être publiée par n'importe quel système d'impression ou de reproduction.

5. Le droit des auteurs s'exerce également sur les œuvres manuscrites ou inédites.

6. Les mandataires légaux ou ayants cause des auteurs jouiront, à tous égards, des mêmes droits que ceux accordés par la présente Convention aux auteurs eux-mêmes.

7. Les auteurs ressortissant à l'un des États Contractants jouiront, dans tous les autres États de l'Union, du droit exclusif de traduction pendant toute la durée de leur droit sur leurs œuvres originales. (Éventuellement, ajouter : " s'ils ont fait usage de ce droit dans un délai de dix ans.")

Ce droit comprend les droits de publication, de représentation, ou d'exécution.

8. La traduction autorisée est protégée au même titre que l'œuvre originale.

Lorsqu'il s'agit de la traduction d'une œuvre tombée dans le domaine public, le traducteur ne peut pas s'opposer à ce que la même œuvre soit traduite par d'autres écrivains.

9. Toute œuvre contrefaite pourra être saisie à l'importation dans ceux des États de l'Union dans lesquels l'œuvre a droit à la protection légale.

La saisie aura lieu à la requête soit du Ministère Public, soit de la partie intéressée, conformément à la législation intérieure de chaque État.

10. L'adaptation sera considérée comme contrefaçon et poursuivie de la même manière.

11. La présente Convention s'applique à toutes les œuvres non encore tombées dans le domaine public dans le pays d'origine de l'œuvre au moment où cette Convention entrera en vigueur.

12. Il est entendu que les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers pour la protection des œuvres littéraires et artistiques, en tant que ces arrangements ne contreviendraient point aux dispositions de la présente Convention.

13. Un office international sera organisé sous le nom de " Bureau International de l'Union pour la Protection des Œuvres Littéraires et Artistiques."

Ce bureau, dont les frais seront supportés par les Administrations de tous les États Contractants, sera placé sous la haute autorité de _____ et fonctionnera sous sa surveillance. Les attributions en seront déterminées d'un commun accord entre les États de l'Union.

14. La présente Convention sera soumise à des révisions périodiques en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

A cet effet, des Conférences auront lieu successivement dans l'un des États Contractants entre les Délégués de ces États.

La prochaine réunion aura lieu en _____ à _____

15. Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par écrit au Gouvernement de _____ et par celui-ci à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

16. L'exécution des engagements réciproques contenus dans la présente Convention est subordonnée, en tant que de besoin, à l'accomplissement des formalités et règles établies par les lois constitutionnelles de celles des Hautes Parties Contractantes qui sont tenues d'en proposer l'application, ce qu'elles s'engagent à faire dans le plus bref délai possible.

17. La présente Convention sera mise à exécution à partir du _____ et demeurera en vigueur pendant un temps indéterminé jusqu'à l'expiration d'une année à partir du jour où la dénonciation en sera faite.

Cette dénonciation sera adressée au Gouvernement chargé de recevoir les adhésions. Elle ne produira son effet qu'à l'égard de l'État qui l'aura faite, la Convention restant exécutoire pour les autres Parties Contractantes.

18. La présente Convention sera ratifiée, et les ratifications en seront échangées à _____, dans le délai d'un an au plus tard.

Disposition Transitoire.

Les Conventions actuellement en vigueur entre les États Contractants, qui dérogeraient à la présente Convention sur un point ou l'autre, pourront néanmoins demeurer exécutoires jusqu'à l'échéance qu'elles prévoient. Dans ce cas, les sujets ou citoyens des États de l'Union non liés par ces Conventions seront mis de plein droit, dans les États respectifs, au bénéfice du traitement de la nation la plus favorisée pour la protection de leurs droits d'auteur.

Protocole de Clôture.

Au moment de procéder à la signature de la Convention conclue à la date de ce jour, les Plénipotentiaires soussignés sont convenus de ce qui suit :—

1. Il est entendu que la disposition finale de l'Article II de la Convention ne porte aucune atteinte à la législation de chacun des États Contractants, en ce qui concerne la procédure suivie devant les Tribunaux et la compétence de ces Tribunaux.

2. Définir que les mots "arrangements de musique" (Article IV de la Convention) ne s'appliquent pas aux morceaux reproduits par des instruments automatiques, tels que pianos électriques, boîtes à musique, orgues de Barbarie, &c.

3. Définir le sens exact du mot "adaptation."

4. Organisation du Bureau International; son budget et contributions des États de l'Union.

Attributions.—Le Bureau International centralisera les renseignements de toute nature relatifs à la protection des droits des auteurs sur les œuvres littéraires et artistiques et les réunira en une statistique générale qui sera distribuée à toutes les Administrations. Il recevra de chaque Administration la liste des œuvres enregistrées par elle et la communiquera à toutes les Administrations. Il procédera aux études d'utilité commune intéressant l'Union et rédigera, à l'aide des documents qui seront mis à sa disposition par les diverses Administrations, une feuille périodique, en langue Française, sur les questions concernant l'objet de l'Union.

Mode de distribution de cette feuille.

Le Bureau International devra se tenir en tout temps à la disposition des membres de l'Union, pour leur fournir, sur les questions relatives à la protection des œuvres littéraires et artistiques, les renseignements spéciaux dont ils pourraient avoir besoin.

L'Administration du pays où doit siéger la prochaine Conférence préparera, avec le concours du Bureau International, les travaux de cette Conférence.

Le Directeur du Bureau International assistera aux séances des Conférences et prendra part aux discussions sans voix délibérative. Il fera sur sa gestion un Rapport annuel qui sera communiqué à tous les membres de l'Union.

La langue officielle du Bureau International sera la langue Française.

Le présent Protocole de Clôture, qui sera ratifié en même temps que la Convention conclue à la date de ce jour, sera considéré comme faisant partie intégrante de cette Convention et aura même force, valeur et durée.

(Translation.)

Programme proposed by the Swiss Federal Council for the International Conference at Berne, September 8, 1884.

THE Contracting States (enumerated) are constituted into an Union for the protection of the rights of authors over their literary and artistic works.

2. The subjects or citizens of each of the Contracting States shall enjoy in all the other States of the Union, as far as the protection of the rights of authors over their literary and artistic works is concerned, the same advantages as the respective laws at present accord or shall accord hereafter to nationals. They shall consequently have the same protection as the above, and the same legal recourse against any infringement of their rights, provided that the formalities and conditions prescribed by the legislation of the country of origin of the work have been accomplished.

3. Subjects or citizens of States not making part of the Union, who are domiciled, or who have caused their work to be edited, in the territory of one of the States of the Union, shall be treated as subjects or citizens of the Contracting States.

4. The expression "literary or artistic works" comprises books, pamphlets, or all other writings; dramatic or dramatico-musical works, musical compositions with or without words, musical arrangements; works of design, painting, sculpture, engraving; lithographs, geographical charts, plans, scientific designs, and, in fact, every work whatever, literary, scientific, and artistic, which can be published by no matter what system of printing or reproduction.

5. The right of authors extends equally over manuscript or unpublished works.

6. Legal representatives or assigns of authors shall enjoy the same rights in every respect as those accorded by the present Convention to authors themselves.

7. Authors belonging to one of the Contracting States shall enjoy in all other States of the Union the exclusive right of translation for the whole period of their right over the original works. (It is proposed to add: "if they make use of this right within a period of ten years.")

This right comprises rights of publication, of representation, or of execution.

8. An authorized translation is protected in the same manner as the original work. When it is a question of the translation of a work already in the public domain, the translator cannot oppose its translation by other writers.

9. All pirated works can be seized when imported into those States of the Union in which the works have a right to legal protection. The seizure shall take place at the request either of the Public Department, or of the party interested, conformably to the domestic legislation of each State.

10. Adaptation shall be considered piracy, and be proceeded against in the same way.

11. The present Convention applies to all works which may not have become public property in the country of origin of the work at the time when the Convention comes into force.

12. It is understood that the High Contracting Parties reserve to themselves respectively the right of making separately amongst themselves particular arrangements for the protection of literary and artistic works so long as they do not contravene the provisions of the present Convention.

13. An international office shall be organized under the name of "International Bureau of the Union for the Protection of Literary and Artistic Works."

This office, the expenses of which shall be borne by the Administrations of all the Contracting States, shall be placed under the high authority of _____, and shall be conducted under its supervision. Its attributes shall be determined by common consent by the States of the Union.

14. The present Convention shall be submitted to periodical revisions with a view to the introduction of improvements calculated to perfect the system of the Union.

With this view, Conferences shall take place successively in one of the Contracting States between the Delegates of these States.

The next meeting shall take place in _____, at _____.

15. Those States which have not taken part in the present Convention shall be, at their own request, allowed to adhere to it.

Such adhesion shall be notified in writing to the Government of _____, and by the latter to all the Contracting States.

Such adhesion shall imply complete accession to all the clauses, and admission to all the advantages stipulated by the present Convention.

16. The execution of the reciprocal engagements contained in the present Convention is subordinated, as far as is necessary, to the accomplishment of the formalities and regulations established by the constitutional laws of those of the High Contracting Parties, who are bound to propose the application of them, which they have engaged to do with as little delay as possible.

17. The present Convention shall be put into execution from _____, and shall remain in force during a time undetermined, until the end of a year from the day when its denunciation shall have been declared.

This denunciation shall be addressed to the Government charged with receiving adhesions. It shall only affect the State which shall make it, the Convention remaining in force for the other Contracting Parties.

18. The present Convention shall be ratified, and the ratifications exchanged at _____ within a year at the latest.

Transitory Arrangement.

Conventions actually in force between the Contracting States, which may differ from the present Convention on one point or another, may, nevertheless, remain in execution until they lapse. In this case subjects or citizens of the States of the Union, not bound by these Conventions, shall be admitted of full right, in the respective States, to the benefits of the most-favoured-nation treatment for the protection of the rights of authors.

Protocole de Clôture.

At the moment of proceeding to the signature of the Convention concluded this day, the undersigned Plenipotentiaries have agreed as follows:—

1. It is understood that the final stipulation of Article II of the Convention in no wise affects the legislation of each Contracting State with regard to the procedure before the Tribunals, and the power of these Tribunals.

2. The words "arrangements de musique" (Article IV of the Convention) shall

not apply to pieces reproduced by automatic instruments, such as electric pianos musical boxes, barrel organs, &c.

3. Define the exact meaning of the word "adaptation."

4. The organization of the International Bureau, its cost, and the contributions of the States of the Union.

Functions.—The International Bureau shall collect information of every sort relative to the protection of the rights of authors over their literary and artistic works, and shall unite them in a general statistic, which shall be circulated to all the Administrations.

It shall receive from each Administration a list of the works registered by it, and shall communicate this to all the other Administrations. It shall take steps to examine subjects of common interest to the Union, and shall bring out, with the help of the documents which will be placed at its service by the several Administrations, a periodical pamphlet, in French, on questions concerning the objects of the Union.

Manner of circulating this pamphlet.

The International Bureau shall always hold itself at the disposition of the members of the Union to furnish them with any special information which they may require on subjects having reference to the protection of literary and artistic works.

The Administration of the country where the next Conference may be appointed to take place should prepare, with the aid of the International Bureau, the programme of that Conference.

The Director of the International Bureau shall be present at the sittings of the Conferences, and shall take part in the discussions without a deliberative voice. He shall make an annual Report on his administration, which shall be communicated to all the members of the Union.

French shall be the official language of the International Bureau.

The present "Protocole de Clôture," which shall be ratified at the same time as the Convention concluded this day, shall be considered as forming an integral part of that Convention, and shall have the same force, effect, and duration.

No. 14.

Earl Granville to M. Welti.

Sir, *Foreign Office, August 27, 1884.*

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 22nd instant, on the subject of the International Copyright Conference which is to assemble at Berne on the 8th September next; and whilst thanking you for this courteous communication I beg leave to state that I shall not fail to give to the contents that attentive consideration which the interest of the subject demands.

I have, &c.
(Signed) GRANVILLE.

No. 15.

Sir J. Pauncefote to Mr. Calcraft.

Sir, *Foreign Office, August 27, 1884.*

WITH reference to previous correspondence, I am directed by Earl Granville to transmit to you a copy of a note from the President of the Swiss Confederation, inclosing copies of the programme of the International Copyright Conference which is to meet at Berne on the 8th September.*

I am to request that you will move the Board of Trade to favour his Lordship with any observations they may have to make thereon, and as to whether any further instructions should be sent to Mr. Adams.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Earl Granville to Mr. Adams.

Sir,

Foreign Office, August 28, 1884.

I TRANSMIT to you herewith, for your information, a copy of a note which I have received from the President of the Swiss Confederation, inclosing copies of the programme of the Copyright Conference to be held at Berne on the 8th September.*

I am, &c.

(Signed) GRANVILLE.

Mr. Calcrafft to Sir J. Pauncelote.—(Received September 4.)

Sir,

Board of Trade, London, September 3, 1884.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 27th ultimo, upon the subject of the approaching International Copyright Conference at Berne; and, in reply, to state, for the information of Earl Granville, that this Board have no observations to offer on the note of the President of the Swiss Confederation, and that they are not aware that any further instructions to Her Majesty's Minister at Berne are now required in the matter of his proposed attendance at the Conference.

I have, &c.

(Signed) HENRY G. CALCRAFT.

Mr. Adams to Earl Granville.—(Received September 11.)

My Lord,

Berne, September 9, 1884.

I HAVE the honour to transmit to your Lordship herewith printed copies of the *procès-verbal* of the first sitting of the International Copyright Conference, which took place yesterday morning in the Hall of the Council of States in the Federal Palace at Berne.† Sixteen Delegates were present, and more are expected.

The proceedings were opened by Federal Councillor Droz, who, in an eloquent speech, welcomed the Delegates, and enumerated shortly the objects of the Conference.

M. Arago, the French Ambassador, proposed that M. Droz should preside at the meetings, and this motion was carried unanimously.

M. Droz submitted a *Projet de Règlement* consisting of seven Articles, which has been drawn up by the Federal Council, and of which I have the honour to transmit copies herewith.†

All these Articles were adopted with the exception of the last, which gave rise to some discussion.

Your Lordship will observe that I made a declaration in the sense of the instructions contained in your despatch of the 2nd February last.

In consequence of this and other reserves made by several Delegates, M. Reichardt, one of the German Delegates, proposed a material alteration in the last Article, which was adopted.

I beg to draw your Lordship's particular attention to this Article as remodelled. Its text is given on p. 5 of the *procès-verbal*.

By it a Protocol may be drawn up for our signature, which merely records the result of the deliberations. It may be accompanied by a draft Convention, but that document will of course be subject to the examination of the respective Governments.

I should be glad to receive early instructions from your Lordship as to whether I am authorized to sign such a Protocol simply, or with any and what reservation.

I have, &c.

(Signed) F. O. ADAMS.

No. 19.

*Mr. Currie to Mr. Calcraft.*Sir, *Foreign Office, September 13, 1884.*

I AM directed by Earl Granville to transmit to you, for the consideration of the Board of Trade, copy of a despatch from Her Majesty's Minister at Berne, inclosing a copy of the *procès-verbal* of the first sitting of the International Copyright Conference,* and requesting early instructions as to whether he may sign the Protocol of the deliberations which may be accompanied by a draft of Convention, the latter document to be subject to the examination of the respective Governments.

As it is understood that the Conference will conclude its sittings at an early date, Lord Granville would be glad to be informed as soon as possible of the nature of the instructions which, in the opinion of the Board of Trade, should be sent to Mr. Adams.

I am, &c.
(Signed) P. CURRIE.

No. 20.

*Mr. Adams to Earl Granville.†—(Received September 15.)*My Lord, *Berne, September 13, 1884.*

I HAVE the honour to transmit herewith copies of the *procès-verbaux* of the second and third sittings of the International Copyright Conference as these were finally adopted.‡

On the 9th instant, after M. Arago had been chosen as Vice-President, the German Delegation brought forward their proposal to discuss the question whether, instead of concluding a Convention based on the principle of national treatment, it would not be preferable to aim at once at a codification regulating, in a uniform manner for the whole of the proposed Union, and in the frame of a Convention, the whole of the stipulations relating to copyright.

After some debate the vote on this proposal was adjourned, and the Conference proceeded to discuss the series of questions which had been handed in by the German Delegation at the first sitting.

The discussion, which was principally confined to the French, German, and Swedish Delegates, with occasional remarks from the President, lasted the rest of the meeting, and was continued and brought to a close the following morning. As your Lordship will observe, much difference of opinion was developed, and most of the questions were referred to a Committee. I considered that, in view of my instructions, I should abstain in general from taking part in this debate; and the Dutch Delegate, who had declared himself to be in a similar position to myself, and whom I had consulted, was of a like opinion. I did, however, make one observation, which is recorded in the *procès-verbal* of the third sitting, as to the state of our law in the matter of the registration and the deposit of copies of works and translations.

On the 11th instant the Conference met for a short time to approve the *procès-verbaux* of the two previous sittings, and afterwards resolved itself into a Committee. I was at first disinclined to attend, but as the Dutch Delegate informed me that he intended to be present, and as M. Droz rather urged me to follow the same course, I have done so for the most part, without taking any part in the discussion, and carefully abstaining from any vote.

I have, &c.
(Signed) F. O. ADAMS.

No. 21.

Mr. Adams to Earl Granville.—(Received September 17, 12.40 P.M.)

(Telegraphic.)

Berne, September 17, 1884, 11.45 A.M.

MAY I sign a *procès-verbal* submitting and recommending to Governments the adoption of Articles, and expressing certain wishes, but without binding Governments? Misunderstanding might be caused if I abstain from signing.

No. 22.

Earl Granville to Mr. Adams.

(Telegraphic.)

Foreign Office, September 17, 1884, 9 P.M.

ON the distinct understanding that Her Majesty's Government are not bound by any conclusions arrived at, you are authorized to sign the *procès-verbal*.

No. 23.

Mr. Currie to Mr. Calcraft.

Sir,

Foreign Office, September 18, 1884.

WITH reference to my letter of the 13th instant, on the subject of the signature by Her Majesty's Minister at Berne of the Protocol of the deliberations of the International Copyright Conference, I am directed by Earl Granville to acquaint you, for the information of the Board of Trade, that a telegram was received yesterday from Mr. Adams to the effect that the proposed *procès-verbal* or Protocol would simply submit and recommend to the respective Governments the adoption of Articles and would embody the expression of certain wishes without binding the Governments, and that as his abstention from signing the Protocol might be misunderstood, he expressed a hope that he might be permitted to sign the *procès-verbal* to-day.

As there was no time to refer the matter for the formal decision of the Board of Trade, Lord Granville thought it advisable to instruct Mr. Adams by telegraph last night that he might sign the *procès-verbal* on the distinct understanding that Her Majesty's Government would not be bound by any conclusions arrived at.

I am, &c.

(Signed) P. CURRIE.

No. 24.

Mr. Stoneham to Mr. Currie.—(Received September 19.)

Sir,

Board of Trade, London, September 18, 1884.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 13th instant, transmitting copy of a despatch from Her Majesty's Minister at Berne, asking for instructions as regards signing a Protocol of the deliberations of the International Copyright Conference, now sitting in that city.

In reply, I am to state, for the information of Earl Granville, that, upon the understanding that the Protocol merely records the result of the meeting held, and in no way pledges Her Majesty's Government to any particular views or legislative action on the Copyright question, the Board of Trade are not aware that there is any objection to Mr. Adams signing such Protocol.

I have, &c.

(Signed) ALLEN STONEHAM.

Mr. Adams to Earl Granville.—(Received September 25.)

(Extract.)

Berne, September 23, 1884.

THE International Copyright Conference which has been held this month in Berne, and which finally adopted the title of "Conférence Internationale pour la Protection des Droits d'Auteur," finished its labours on the 19th instant. My despatch of the 13th brings my Report of the proceedings up to the 11th inclusive.

The full Committee held altogether six sittings, and two Sub-Committees of five members each were appointed, one a "Commission de Rédaction," and the other a special Committee with reference to the organization of the proposed International Bureau.

The result was that the Full Committee submitted to the Conference at its fifth sitting on the afternoon of the 17th the following five documents:—

I. *Projet de Convention concernant la création d'une Union générale pour la protection des droits d'auteur.*

II. *Article Additionnel à la Convention précitée.*

III. *Protocole de Clôture.*

IV. *Principes recommandés pour une unification ultérieure.*

V. *Procès-verbal final de la Conférence.*

A long discussion ensued which is fully recorded in the *procès-verbal* of the sitting.*

I wish more particularly to refer to the fifth of the above documents. It was agreed, in order to allow certain members of the Conference to leave Berne on the afternoon of the 18th, that this final *procès-verbal* should be signed on that day. By my telegram of the 17th to your Lordship, I expressed the hope that I might be allowed to sign this document, which simply submitted and recommended to the Governments the Articles forming a draft Convention, and which gave utterance to certain wishes, without binding the Governments in any way. Your Lordship was kind enough, by your telegram of the same day, to accede to my request, on the distinct understanding that Her Majesty's Government would not be bound by any conclusions arrived at in the Conference.

Both the Dutch Delegate and I have made it clearly to be understood on several occasions that we were present at the Conference with the main object of listening and reporting *ad referendum*, and that we had no power to bind our Governments. Our position has been all through accepted by the other members of the Conference, and, indeed, even those who have taken the most active part in the proceedings acknowledge that they can only submit the result of the deliberations for the approval of their Governments, and, as they hope, for their adoption by those Governments.

It was then agreed that, out of respect for the represented Governments, publicity should not be given to the decisions of the Conference before the 1st November. It was, however, allowed to the Bureau to make, for the use of the press, a succinct *résumé* of the principal Resolutions to be submitted to the Governments for their examination.

During this sixth sitting speeches were made by the President, M. Droz, by the French Ambassador, M. Arago, by the German Delegate, M. Reichardt, and by M. Ulbach; and at a seventh and final sitting on the 19th the Conference was brought to a close, after discussion and adoption of the remaining *procès-verbaux*.

Inclosure 1 in No. 25.

I.A.—*Projet de Convention concernant la Création d'une Union Générale pour la Protection des Droits d'Auteur.*

(Énumération des Hautes Parties Contractantes.)

* * * * *

également animés du désir de protéger d'une manière efficace et aussi uniforme que possible les droits d'auteur sur les œuvres littéraires et artistiques,

Ont résolu de conclure une Convention à cet effet, et ont nommé pour leurs Plénipotentiaires, savoir:—

* Not printed.

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ARTICLE I.

Les Pays Contractants sont constitués à l'état d'Union pour la protection des droits d'auteur sur les œuvres littéraires et artistiques.

ARTICLE II.

Les auteurs ressortissant à l'un des Pays Contractants jouiront, dans tous les autres pays de l'Union, pour leurs œuvres, soit manuscrites ou inédites, soit publiées dans un de ces pays, des avantages que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux.

Toutefois, ces avantages ne leur seront réciproquement assurés que pendant l'existence de leurs droits dans leur pays d'origine.

Cette jouissance est subordonnée à l'accomplissement des formalités et des conditions prescrites par la législation du pays d'origine de l'œuvre ou, lorsqu'il s'agit d'une œuvre manuscrite ou inédite, par la législation du pays auquel appartient l'auteur.

ARTICLE III.

Les stipulations de l'Article II s'appliquent également aux éditeurs d'œuvres littéraires ou artistiques publiées dans un des pays de l'Union, et dont l'auteur appartient à un pays qui n'en fait pas partie.

ARTICLE IV.

L'expression "œuvres littéraires ou artistiques" comprend les livres, brochures ou tous autres écrits; les œuvres dramatiques ou dramatico-musicales, les compositions musicales avec ou sans paroles; les œuvres de dessin, de peinture, de sculpture, de gravure; les lithographies, les illustrations, les cartes géographiques; les plans, croquis et ouvrages plastiques, relatifs à la géographie, à la topographie, à l'architecture ou aux sciences en général; enfin, toute production quelconque, du domaine littéraire, scientifique, ou artistique, qui pourrait être publiée par n'importe quel mode d'impression ou de reproduction.

ARTICLE V.

Les mandataires légaux ou ayants cause des auteurs ou, dans le cas prévu à l'Article III, des éditeurs, jouiront à tous égards des mêmes droits que ceux accordés par la présente Convention aux auteurs ou éditeurs eux-mêmes.

ARTICLE VI.

Les auteurs ressortissant à l'un des pays de l'Union jouiront dans tous les autres pays de l'Union du droit exclusif de traduction sur leurs ouvrages pendant dix années après la publication, dans l'un des pays de l'Union, de la traduction de leur ouvrage autorisée par eux.

Pour jouir du bénéfice de cette disposition, la dite traduction autorisée devra paraître en totalité dans le délai de trois années à compter de la publication de l'ouvrage original.

Pour les ouvrages publiés par livraisons, le terme de trois années stipulé au paragraphe précédent ne commencera à courir qu'à dater de la publication de la dernière livraison de l'ouvrage original.

Dans le cas où la traduction d'un ouvrage paraîtrait par livraisons, le terme de dix années stipulé au paragraphe 1^{er}, ne commencera également à courir qu'à dater de la dernière livraison de la traduction.

Pour les œuvres composées de plusieurs volumes publiés par intervalles, ainsi que pour les bulletins ou cahiers publiés par des Sociétés littéraires ou savantes ou par des particuliers, chaque volume, bulletin, ou cahier sera, en ce qui concerne les termes de dix années et de trois années, considéré comme ouvrage séparé.

Il est entendu que le droit exclusif de traduction ne s'étend qu'à la langue ou aux langues dans laquelle ou lesquelles une traduction autorisée aura paru.

ARTICLE VII.

Les traductions sont expressément assimilées aux ouvrages originaux. Elles jouiront à ce titre de la protection stipulée aux Articles II et III en ce qui concerne leur reproduction non autorisée dans les pays de l'Union.

Lorsqu'il s'agit d'une œuvre pour laquelle le droit de traduction est dans le domaine public, le traducteur ne peut pas s'opposer à ce que la même œuvre soit traduite par d'autres écrivains.

ARTICLE VIII.

Sera réciproquement licite la publication, dans l'un des pays de l'Union, d'extraits, de fragments ou de morceaux entiers d'un ouvrage littéraire ou artistique ayant paru pour la première fois dans un autre pays de l'Union, pourvu que cette publication soit spécialement appropriée et adaptée à l'enseignement, ou qu'elle ait un caractère scientifique.

Sera également licite la publication réciproque de chrestomathies composées de fragments d'ouvrages de divers auteurs, ainsi que l'insertion, dans une chrestomathie ou dans un ouvrage original publié dans l'un des pays de l'Union; d'un écrit entier de peu d'étendue publié dans un autre pays de l'Union.

Il est entendu qu'il devra toujours être fait mention du nom de l'auteur ou de la source à laquelle seront empruntés les extraits, morceaux, fragments ou écrits dont il s'agit dans les deux paragraphes précédents.

Sera toutefois considérée comme reproduction illicite l'insertion de compositions musicales dans les recueils destinés à des écoles de musique.

ARTICLE IX.

Les articles extraits de journaux ou de recueils périodiques publiés dans l'un des pays de l'Union pourront être reproduits, en original ou en traduction, dans les autres pays de l'Union.

Mais cette faculté ne s'étendra pas à la reproduction, en original ou en traduction, des romans-feuilletons ou des articles de science ou d'art. Il en sera de même pour les autres articles de quelque étendue, extraits de journaux ou de recueils périodiques, lorsque les auteurs ou éditeurs auront expressément déclaré, dans le journal ou le recueil même où ils les auront fait paraître, qu'ils en interdisent la reproduction.

En aucun cas l'interdiction stipulée au paragraphe précédent ne s'appliquera aux articles de discussion politique.

ARTICLE X.

Le droit de protection des œuvres musicales entraîne l'interdiction des morceaux dits arrangements de musique, ainsi que d'autres morceaux qui, sans le consentement de l'auteur, sont composés sur des motifs extraits des dites œuvres, ou reproduisent l'œuvre originale avec des modifications, des réductions, ou des additions.

Il est entendu que les contestations qui s'élèveraient sur l'application de cette clause demeureront réservées à l'appréciation des Tribunaux respectifs, conformément à la législation de chacun des pays de l'Union.

ARTICLE XI.

Les stipulations de l'Article II s'appliqueront à la représentation publique des œuvres dramatiques ou dramatico-musicales, que ces œuvres soient publiées ou non.

Les auteurs d'œuvres dramatiques ou dramatico-musicales seront, pendant la durée de leur droit exclusif de traduction, réciproquement protégés contre la représentation publique non autorisée de la traduction de leurs ouvrages.

Les stipulations de l'Article II s'appliqueront également à l'exécution publique des œuvres musicales non publiées ou de celles publiées, mais dont l'auteur aura expressément déclaré sur le titre ou en tête de l'ouvrage qu'il en interdit l'exécution publique.

ARTICLE XII.

Pour assurer à tous les ouvrages de littérature ou d'art la protection stipulée à l'Article II, et pour que les auteurs des dits ouvrages soient, jusqu'à preuve contraire, considérés comme tels et admis, en conséquence, devant les Tribunaux des divers pays de l'Union à exercer des poursuites contre les contrefaçons, il suffira que leur nom

soit indiqué sur le titre de l'ouvrage, au bas de la dédicace ou de la préface, ou à la fin de l'ouvrage.

Pour les œuvres anonymes ou pseudonymes, l'éditeur dont le nom est indiqué sur l'ouvrage est fondé à sauvegarder les droits appartenant à l'auteur. Il est, sans autres preuves, réputé ayant droit de l'auteur anonyme ou pseudonyme.

ARTICLE XIII.

Toute œuvre contrefaite pourra être saisie à l'importation dans ceux des pays de l'Union où l'œuvre originale a droit à la protection légale.

La saisie aura lieu à la requête soit du Ministère Public, soit de la partie intéressée, conformément à la législation intérieure de chaque pays.

ARTICLE XIV.

Il est entendu que les dispositions de la présente Convention ne pourront porter préjudice, en quoi que ce soit, au droit qui appartient au Gouvernement de chacun des pays de l'Union de permettre, de surveiller, d'interdire, par des mesures de législation ou de police intérieure, la circulation, la représentation, l'exposition de tout ouvrage ou production à l'égard desquels l'autorité compétente aurait à exercer ce droit.

ARTICLE XV.

La présente Convention, sous les réserves et conditions à déterminer d'un commun accord, s'applique à toutes les œuvres qui, au moment de son entrée en vigueur, ne sont pas encore tombées dans le domaine public dans leur pays d'origine ou, lorsqu'il s'agit d'une œuvre manuscrite ou inédite, dans le pays auquel appartient l'auteur.

ARTICLE XVI.

Il est entendu que les Gouvernements des pays de l'Union se réservent respectivement le droit de prendre séparément, entre eux, des arrangements particuliers, en tant que ces arrangements conféreront aux auteurs ou à leurs ayants cause des droits plus étendus que ceux accordés par l'Union, ou qu'ils renfermeront d'autres stipulations non contraires à la présente Convention.

ARTICLE XVII.

Un office international sera organisé sous le nom de "Bureau International de l'Union pour la Protection des Droits d'Auteur."

Ce bureau, dont les frais seront supportés par les Administrations de tous les pays de l'Union, sera placé sous la haute autorité de _____, et fonctionnera sous sa surveillance. Les attributions en seront déterminées d'un commun accord entre les pays de l'Union.

ARTICLE XVIII.

La présente Convention pourra être soumise à des révisions en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

Les questions de cette nature, ainsi que celles qui intéressent à d'autres points de vue le développement de l'Union, seront traitées dans des Conférences qui auront lieu successivement dans les pays de l'Union entre les Délégués des dits pays.

ARTICLE XIX.

Les pays qui n'ont point pris part à la présente Convention et qui assurent chez eux la protection légale contre la violation des droits d'auteur faisant l'objet de cette Convention, seront admis à y accéder sur leur demande.

Cette accession sera notifiée par écrit au Gouvernement de* _____, et par celui-ci à tous les autres.

Elle emportera, de plein droit, adhésion à toutes les clauses et admission à tous les avantages stipulés dans la présente Convention.

ARTICLE XX.

La présente Convention sera mise à exécution trois mois après l'échange des

* Voir Article XVII.

ratifications, et demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en aura été faite.

Cette dénonciation sera adressée au Gouvernement chargé de recevoir les accessions. Elle ne produira son effet qu'à l'égard du pays qui l'aura faite, la Convention restant exécutoire pour les autres pays de l'Union.

ARTICLE XXI.

La présente Convention sera ratifiée, et les ratifications en seront échangées à dans le délai d'un an au plus tard.

En foi de quoi, &c.

Fait à , le

(Translation.)

IA.—*Draft of Convention respecting the Formation of a General Union for the Protection of the Rights of Authors.*

(Enumeration of the High Contracting Parties.)

* * * * *

equally animated by the desire of protecting effectively, and in as uniform a manner as possible, the rights of authors in literary and artistic works,

Have resolved to conclude a Convention for this purpose, and have named as their Plenipotentiaries, that is to say :

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles :—

ARTICLE I.

The Contracting Countries are constituted into an Union for the protection of the rights of authors in literary and artistic works.

ARTICLE II.

Authors of any of the Contracting Countries shall, in all the other countries of the Union, enjoy for their works, whether manuscript or unedited, or published in one of those countries, the advantages which the respective laws actually accord, or shall hereafter accord, to natives.

These advantages shall, however, be secured to them reciprocally only for the period of existence of their rights in their country of origin.

This enjoyment is subject to the fulfilment of the formalities and conditions prescribed by the law of the country of origin of the work, or, when it is a question of a manuscript or unedited work, by the law of the country to which the author belongs.

ARTICLE III.

The stipulations of Article II apply equally to the publishers of literary or artistic works published in one of the countries of the Union, the author of which belongs to a country not forming part of the Union.

ARTICLE IV.

The expression "literary and artistic works" comprises books, pamphlets, or all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of design, painting, sculpture, and engraving; lithographs, illustrations, and geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general; in fine, all productions whatever in the domain of literature, science, or art which may be published by any method of impression or reproduction.

ARTICLE V.

The legal assigns or representatives of authors, or, in the case provided by Article III, publishers, shall enjoy in every respect the same rights as those accorded by the present Convention to authors or publishers themselves.

ARTICLE VI.

Authors of any of the countries of the Union shall enjoy in every other country of the Union the exclusive right of translation over their works, for ten years after the publication in one of the countries of the Union of the translation of their work authorized by them.

In order to enjoy the benefit of this stipulation, the said authorized translation must appear in entirety within a period of three years from the date of the publication of the original work.

For works published in incomplete parts, the period of three years stipulated in the preceding paragraph, shall begin to run only from the date of the publication of the last part of the original work.

In the case where the translation of a work shall appear in incomplete parts, the period of ten years stipulated by paragraph 1 shall also begin to run only from the date of the last part of the translation.

For works composed of several volumes published at intervals, as well as for bulletins or collections published by literary or scientific Societies or by private individuals, each volume, bulletin, or collection shall, as far as regards the periods of ten years and three years, be considered as a separate work.

It is understood that the exclusive right of translation extends only to the language or languages in which an authorized translation shall have appeared.

ARTICLE VII.

Translations are expressly assimilated to original works. They shall enjoy, on this ground, the protection stipulated in Articles II and VII, as far as regards their unauthorized reproduction in the countries of the Union.

In the case of a work for which the translating right has fallen into the public domain the translator cannot oppose the translation of the same work by other writers.

ARTICLE VIII.

The publication in one of the countries of the Union of extracts, fragments, or entire passages from a literary or artistic work appearing for the first time in another country of the Union, shall be reciprocally lawful, provided that this publication is specially destined and adapted for instruction, or is of a scientific character.

The reciprocal publication shall be equally lawful of chrestomathies composed of fragments from the works of various authors, as well as the insertion in a chrestomathy, or in an original work published in one of the countries of the Union, of an entire writing of small compass published in another country of the Union.

It is understood that mention should always be made of the name of the author, or of the source from which the extracts, passages, fragments, or writings dealt with in the two preceding paragraphs have been borrowed.

The insertion of musical compositions in collections destined for schools of music shall be, nevertheless, considered an unlawful reproduction.

ARTICLE IX.

Articles extracted from newspapers or from periodical collections published in one of the countries of the Union may be reproduced, either in original or translation, in the other countries of the Union.

But this power shall not extend to the reproduction, either in original or translation, of serial novels ("romans feuilletons") or articles on science or art. The same rule shall hold good with regard to other articles of some length, extracted from newspapers or periodical collections, when the authors or publishers shall have expressly declared in the newspaper or collection in which the articles appear that they prohibit the reproduction thereof.

In no case shall the prohibition stipulated in the preceding paragraph apply to articles of political discussion.

It is understood that difficulties arising with regard to the application of this Article are reserved for the decision of the respective Tribunals, conformably to the domestic law of each country of the Union.

ARTICLE X.

The right of protection of musical works entails the prohibition of pieces called

musical arrangements, as well as of other pieces which, without the consent of the author, are composed on themes taken from the above-named works, or are the reproduction of an original work with modifications, reductions, or additions.

ARTICLE XI.

The stipulations of Article II shall apply to the public representation of dramatic or dramatico-musical works, whether these works be published or not.

Authors of dramatic or dramatico-musical works shall, during the period of their exclusive right of translation, be reciprocally protected against the unauthorized public representation of the translation of their works.

The stipulations of Article II shall equally apply to the public performance of unpublished musical works or of published works in which the author shall have expressly declared on the title-page, or at the beginning of the work, that he prohibits their public performance.

ARTICLE XII.

In order to secure to all literary and artistic works the protection stipulated in Article II, and in order that authors of the said works may, until proof to the contrary, be considered as such, and allowed in consequence to institute proceedings against literary piracy before the Tribunals of the several countries of the Union, it will be sufficient that their name be indicated on the title-page of the work, at the bottom of the dedication or preface, or at the end of the work.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is authorized to protect the rights belonging to the author. He is, without other proofs, deemed the representative of the anonymous or pseudonymous author.

ARTICLE XIII.

Every pirated work may be seized on importation into those countries of the Union where the original work has the right of legal protection.

The seizure shall take place either at the request of the Public Ministry or of the party interested, conformably to the domestic legislation of each country.

ARTICLE XIV.

It is understood that the stipulations of the present Convention shall not prejudice in any way whatever the right which appertains to the Government of each country of the Union of permitting, superintending, or prohibiting, by legislative measures or by the police, the circulation, representation, or exhibition of any work or production in regard to which the competent authority shall require to exercise this right.

ARTICLE XV.

The present Convention, under the reserves and conditions to be settled by mutual consent, is applicable to all works which, at the date of its coming into force, have not yet become public property in their country of origin; or when it concerns a manuscript or unpublished work in the country to which the author belongs.

ARTICLE XVI.

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to make separate arrangements between themselves, in so far as these arrangements shall confer upon authors or their representatives more extensive rights than those accorded by the Union, or shall include other stipulations not opposed to the present Convention.

ARTICLE XVII.

An international office shall be organized under the name of the "International Office of the Union for the Protection of Authors' Rights."

This office, of which the expenses shall be defrayed by the Administrations of all the countries of the Union, shall be placed under the high authority of and shall be administered under its superintendence. Its functions shall be determined by mutual consent between the countries of the Union.

ARTICLE XVIII.

The present Convention may be submitted to revisions with a view to the introduction of modifications of a nature to improve the system of the Union.

Questions of this nature, as well as those which concern, from other points of view, the development of the Union, shall be treated of in Conferences which shall be successively held in the countries of the Union between the Delegates of the said countries.

ARTICLE XIX.

Countries which have not taken part in the present Convention, and in which legal protection against the infringement of authors' rights forming the object of this Convention is secured, shall be permitted to accede to it at their request.

Such accession shall be notified in writing to the Government of _____, and by the latter to the other Powers.

It shall carry with it, by right, admission to all the clauses and advantages stipulated in the present Convention.

ARTICLE XX.

The present Convention shall be carried into effect three months after the exchange of the ratifications, and shall remain in force for an indefinite period until the expiration of a year from the day on which it shall have been denounced.

This denunciation shall be addressed to the Government charged with receiving accessions. It will take effect only as far as regards the country which shall have made it, the Convention remaining operative for the other countries of the Union.

ARTICLE XXI.

The present Convention shall be ratified, and the ratifications shall be exchanged at _____ within one year at the latest.

In witness whereof, &c.

Done at _____, the _____

Inclosure 2 in No. 25.

IB.—Projet d'Article Additionnel à la Convention concernant la Création d'une Union Générale pour la Protection des Droits d'Auteur.

LA Convention conclue à la date de ce jour n'affecte en rien le maintien des Conventions actuellement existantes entre les Pays Contractants, en tant que ces Conventions confèrent aux auteurs ou à leurs ayants cause des droits plus étendus que ceux accordés par l'Union, ou qu'elles renferment d'autres stipulations qui ne sont pas contraires à cette Convention.

Fait à _____, le _____

(Translation.)

IB.—Draft of Additional Article to the Convention respecting the Formation of a General Union for the Protection of Authors' Rights.

THE Convention concluded this day in no way affects the maintenance of the Conventions now existing between the contracting countries, in so far as these Conventions confer upon authors or their representatives more extensive rights than those accorded by the Union, or include other stipulations which are not opposed to this Convention.

Done at _____, the _____

Ic.—*Projet de Protocole de Clôture.*

AU moment de procéder à la signature de la Convention conclue à la date de ce jour, les Plénipotentiaires soussignés ont déclaré et stipulé ce qui suit :—

1. L'accord commun prévu à l'Article XV de la Convention est déterminé ainsi qu'il suit :

L'application de la Convention aux œuvres non tombées dans le domaine public, au moment de sa mise en vigueur, aura lieu suivant les stipulations y relatives contenues dans les Conventions spéciales existantes ou à conclure à cet effet.

A défaut de semblables stipulations entre pays de l'Union, les pays respectifs régleront, chacun pour ce qui le concerne, par la législation intérieure, les modalités relatives à l'application du principe contenu à l'Article XV.

2. Il est entendu que la fabrication et la vente des instruments servant à reproduire mécaniquement des airs de musique qui sont du domaine privé ne sera pas considérée comme constituant le fait de contrefaçon musicale.

3. L'attention des Plénipotentiaires a été attirée par plusieurs d'entre eux sur la question de savoir s'il n'y a pas lieu de défendre expressément certaines catégories d'appropriation indirecte non autorisée et notamment celle que plusieurs Conventions en vigueur désignent sous le nom " d'adaptation."

Les Plénipotentiaires ont été d'accord pour reconnaître que la contrefaçon comprend tous les genres d'atteinte illicite portée aux droits d'auteur, mais ils ont été d'avis qu'au lieu de les énumérer et de les définir, il est préférable de s'en remettre aux Tribunaux chargés d'apprécier, dans chaque cas spécial, le préjudice résultant d'une forme quelconque de contrefaçon.

4. La législation de plusieurs des pays de l'Union ne permettant pas de comprendre les œuvres photographiques au nombre des ouvrages auxquels s'applique la Convention conclue en date de ce jour, les Gouvernements des pays de l'Union se réservent de s'entendre ultérieurement sur les dispositions spéciales à prendre, d'un commun accord, à l'effet d'assurer réciproquement dans les pays de l'Union la protection des dites œuvres photographiques.

5. L'organisation du Bureau International prévu à l'Article XVII de la Convention sera fixée par un Règlement que le Gouvernement de* est chargé d'élaborer.

La langue officielle du Bureau International sera la langue Française.

Le Bureau International centralisera les renseignements de toute nature relatifs à la protection des droits d'auteur sur les œuvres littéraires et artistiques. Il les coordonnera et les publiera. Il procédera aux études d'utilité commune intéressant l'Union et rédigera, à l'aide des documents qui seront mis à sa disposition par les diverses Administrations, une feuille périodique, en langue Française, sur les questions concernant l'objet de l'Union. Les Gouvernements des pays de l'Union se réservent d'autoriser d'un commun accord le Bureau à publier une édition dans une ou plusieurs autres langues pour le cas où l'expérience en aurait démontré le besoin.

Le Bureau International devra se tenir en tout temps à la disposition des membres de l'Union pour leur fournir sur les questions relatives à la protection des œuvres littéraires et artistiques les renseignements spéciaux dont ils pourraient avoir besoin.

L'Administration du pays où doit siéger une Conférence préparera, avec le concours du Bureau International, les travaux de cette Conférence.

Le Directeur du Bureau International assistera aux séances des Conférences et prendra part aux discussions sans voix délibérative. Il fera sur sa gestion un Rapport annuel qui sera communiqué à tous les membres de l'Union.

Les dépenses du Bureau International qui, jusqu'à nouvelle décision, ne pourront pas dépasser le somme de par année, seront supportées en commun par les Pays Contractants, au prorata du chiffre de leur population respective.

L'Administration de* préparera le budget du Bureau et en surveillera les dépenses, fera les avances nécessaires et établira le compte annuel qui sera communiqué à toutes les autres Administrations.

6. La prochaine Conférence aura lieu à , en

7. Il est convenu que, pour l'échange des ratifications prévu à l'Article XXI, chaque Partie Contractante remettra un seul instrument, qui sera déposé, avec ceux

* Voir Article XVII du Projet de Convention.

des autres pays, aux archives du Gouvernement de* . Chaque partie recevra en retour un exemplaire du procès-verbal d'échange des ratifications, signé par les Plénipotentiaires qui y auront pris part.

Le présent Protocole de Clôture, qui sera ratifié en même temps que la Convention conclue à la date de ce jour, sera considéré comme faisant partie intégrante de cette Convention, et aura même force, valeur, et durée.

En foi de quoi, &c.

Fait à , le

(Translation.)

Ic.—Draft of Final Protocol.

ON proceeding to the signature of the Convention concluded this day, the undersigned Plenipotentiaries have declared and stipulated that which follows:—

1. The mutual consent provided for in Article XV of the Convention is decided to be as follows:

The application of the Convention to works not become public property, at the time of its coming into force, shall take place in accordance with the stipulations relative thereto contained in the existing special Conventions or those to be concluded in this respect.

Failing similar stipulations between countries of the Union, the respective countries shall regulate by domestic legislation, each so far as concerns itself, the methods relative to the application of the principle contained in Article XV.

2. It is understood that the manufacture and sale of instruments employed to reproduce mechanically musical airs which are private property, shall not be considered as constituting the act of musical piracy.

3. The attention of the Plenipotentiaries has been drawn by several among them to the question whether some steps ought not to be taken to expressly prohibit certain categories of indirect unauthorized appropriation, and especially those that several Conventions in force designate by the name of "adaptation."

The Plenipotentiaries are agreed in recognizing that piracy comprises all kinds of illegal attempts against authors' rights, but they are of opinion that in place of enumerating and defining them it is preferable to leave to the Tribunals intrusted with the duty, to determine in each special case, the prejudice resulting from any particular form of piracy.

4. The legislation of several of the countries of the Union not permitting of the inclusion of photographic works amongst those to which the Convention concluded this day applies, the Governments of the countries of the Union reserve to themselves the power of coming to an ulterior understanding upon the special stipulations to be made, by mutual consent, with the view to insure reciprocally in the countries of the Union the protection of the said photographic works.

5. The organization of the International Office provided for by Article XVII of the Convention shall be fixed by a Regulation which the Government of† is intrusted to elaborate.

The official language of the International Office shall be French.

The International Office shall centralize information of all kinds relative to the protection of authors' rights over literary and artistic works. It shall arrange and publish them. It shall conduct useful studies of common interest to the Union, and shall publish, with the aid of documents, which shall be placed at its disposal by the various Administrations, a periodical paper, in the French language, on subjects relative to the object of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize the Office, by mutual consent, to publish an edition in one or several other languages in case experience shall have shown the need of it.

The International Office must always keep itself at the disposal of the members of the Union in order to furnish, on questions relative to the protection of literary and artistic works, the special information of which they may have need.

The Administration of the country in which a Conference is to be held, shall prepare, with the assistance of the International Office, the programme of that Conference.

The Director of the International Office shall assist at the sittings of Conferences,

* Voir Article XVII du Projet de Convention.

† See Article XVII of the draft Convention.

and shall take part in the discussions without a deliberative voice. He shall make an annual Report on his administration, which shall be communicated to all the members of the Union.

The expenses of the International Office, which, until a fresh decision, shall not exceed the sum of _____ annually, shall be defrayed in common by the contracting countries *pro rata*, according to the number of their respective population.

The Administration of _____ shall prepare the Budget of the Office, and shall superintend its expenses, shall make the necessary advances, and settle the annual account, which shall be communicated to all the other Administrations.

6. The next Conference shall be held in _____, on _____.

7. It is agreed that, for the exchange of ratifications provided in Article XXI, each Contracting Party shall prepare a single instrument, which shall be deposited, with those of the other countries, in the archives of the Government of _____.

Each Party shall receive in return a copy of the certificate of exchange of the ratifications, signed by the Plenipotentiaries who have taken part in the exchange.

The present Final Protocol, which shall be ratified at the same time as the Convention concluded this day, shall be considered as forming an integral part of this Convention, and shall have the same force, value, and duration.

In witness whereof, &c.

Done at _____ the _____

Enclosure 4 in No. 25.

II.—*Principes recommandés pour une Unification ultérieure.*

LA Conférence Internationale pour la protection des droits d'auteur,

Vu la diversité des dispositions en vigueur dans les différents pays relativement à plusieurs points importants de la législation sur la protection des droits d'auteurs ;

Considérant que, si désirable que soit l'unification des principes qui régissent la matière, une Convention réglant ces points d'une manière uniforme ne rencontrerait peut-être pas en ce moment l'adhésion d'un certain nombre de pays ;

Considérant toutefois qu'une codification internationale est dans la force des choses et s'imposera tôt ou tard, et qu'il y a lieu d'y préparer les voies en indiquant dès maintenant, sur quelques points essentiels, le sens dans lequel il est désirable que cette codification se fasse ;

Croit devoir soumettre aux Gouvernements de tous les pays les vœux suivants :—

1. La protection accordée aux auteurs d'œuvres littéraires ou artistiques devrait durer leur vie entière et, après leur mort, un nombre d'années qui ne serait pas inférieur à trente.

2. Il y aurait lieu de favoriser autant que possible la tendance vers l'assimilation complète du droit de traduction au droit de reproduction en général.

(Translation.)

II.—*Principles recommended for an ulterior Unification.*

THE International Conference for the protection of authors' rights,

Having seen the diversity of the stipulations in force in different countries relative to several important points of legislation for the protection of authors' rights ; and

Considering that, however desirable the unification of the principles which govern the subject may be, a Convention regulating these points, in a uniform manner would not, at the present time, perhaps, obtain the adhesion of a certain number of countries ; and

Considering, moreover, that an international codification is in the nature of things, and will be effected sooner or later, and that it is expedient to pave the way for it by indicating, at the present moment, upon some essential points, the way in which it is desirable that this codification should be made ;

Think it right to submit to the Governments of all the countries the following views :—

1. The protection accorded to authors of literary or artistic works should last for

* See Article XVII of the draft Convention.