

their life, and after their death for a period of years which should not be less than thirty.

2. It is expedient to favour as much as possible the tendency towards the complete assimilation of the right of translation to the right of reproduction in general.

Inclosure 5 in No. 25.

Procès-verbal Final de la Conférence Internationale pour la Protection des Droits d'Auteur.

LES Soussignés, Délégués à la Conférence Internationale pour la Protection des Droits d'Auteur, se sont convaincus, après l'examen approfondi auquel ils se sont livrés, qu'il serait dans l'intérêt général d'unifier autant que possible les principes régissant la matière dans les différents pays, et qu'il y aurait lieu à cet effet de constituer une Union semblable à celles qui existent pour d'autres objets de nature éminemment internationale. En conséquence, ils sont tombés d'accord pour soumettre à l'examen de leurs Gouvernements respectifs un projet de Convention stipulant le minimum de droits que, de l'avis de la Conférence, les Pays Contractants pourraient réciproquement garantir aux auteurs d'œuvres littéraires ou artistiques.

La Conférence a cru devoir également consigner dans une pièce annexe l'expression de ses vœux quant à deux points essentiels qu'il ne lui a pas paru possible de régler d'une manière uniforme, pour le moment.

Les Délégués s'empresseront de remettre à leurs Gouvernements le résultat de leurs délibérations contenu dans les projets ci-annexés et prient le Conseil Fédéral Suisse de le transmettre également aux Gouvernements qui n'ont pas pris part à la Conférence, ainsi que de continuer d'ailleurs les démarches nécessaires en vue de la conclusion de l'entente dont il a pris l'initiative.

Fait à Berne, le 18 Septembre, 1884, en un seul exemplaire, qui sera déposé aux archives de la Confédération Suisse.

(Signé)

REICHARDT,
MEYER.
DAMBACH.
EMIL STEINBACH.
JULES ZÁDOR.
G. ERREMBAUT DE DUDZEELE.
DR. R. THURMANN.
EMMANUEL ARAGO.
LOUIS ULBACH.
RENÉ LAVOLLÉE.
F. O. ADAMS.
LOUIS JOSEPH JANVIER.
B. L. VERWEY.
A. LAGERHEIM.
F. BETZMANN.
L. RUCHONNET.
DROZ.
A. D'ORELLI.

(Translation.)

Final Protocol of the International Conference for the Protection of the Rights of Authors.

THE Undersigned, Delegates to the International Conference for the Protection of the Rights of Authors, are convinced, after the thorough investigation to which they have submitted the subject, that it would be for the general interest to unify as much as possible the principles regulating the question in different countries, and that for this purpose measures should be taken to constitute an Union similar to those which exist for other objects of an eminently international nature. In consequence, they have agreed to submit, for the examination of their respective Governments, a draft of Convention embodying the minimum of rights which, in the opinion of the Conference, the Contracting Countries would be able reciprocally to guarantee to the authors of literary or artistic works.

The Conference has also thought it right to record in a document annexed the

expression of its views as to two essential points which have not appeared to it to be susceptible for the present of regulation in a uniform manner.

The Delegates will hasten to transmit to their Governments the result of their deliberations contained in the drafts hereto annexed, and request the Swiss Federal Council to transmit it likewise to the Governments which have not taken part in the Conference, and otherwise to continue the necessary steps with a view to the conclusion of the understanding of which it has taken the initiative.

Done at Berne, the 18th day of September, 1884, in a single copy, which shall be deposited in the archives of the Swiss Confederation.

(Signed)

REICHARDT.

MEYER.

DAMBACH.

EMIL STEINBACH.

JULES ZÁDOR.

G. ERREMBAUT DE DUDZEELE.

DR. R. THURMANN.

EMMANUEL ARAGO.

LOUIS ULBACH.

RENÉ LAVOLLÉE.

F. O. ADAMS.

LOUIS JOSEPH JANVIER.

B. L. VERWEY.

A. LAGERHEIM.

F. BÆTZMANN.

L. RUCHONNET.

DROZ.

A. D'ORELLI.

No. 26.

Mr. Adams to Earl Granville.—(Received September 28.)

(Extract.)

Berne, September 26, 1884.

THE whole of the proceedings of the International Copyright Conference will be forwarded to your Lordship in a collected form in the course of next week.

Meanwhile I take the liberty of addressing to your Lordship the following observations.

The original programme of the Federal Council was naturally of a modest description.

The German Delegation presented their carefully-prepared series of questions; they argued every point with earnestness, ability, and learning; and they succeeded in transforming a moderate programme into a draft Convention of considerable dimensions.

Whether, at the present early stage, this rather ambitious draft is preferable to the original proposals of the Federal Council, is a question which I am hardly in a position to discuss.

The French Delegation opposed several of the German proposals with forcible arguments, and with more or less success; and the Swedish Delegate, fully instructed by his Government, added much to the interest of the debates.

To the President, M. Droz, all praise must be decreed. Perfect master of his subject, calm in manner, and eloquent in language, he seldom intervened except to give information when it was needed, or to sum up arguments and place before the Conference, with singular lucidity, the points at issue.

The result of this Conference is, in my opinion, that the Union will be founded. I cannot, of course, surmise how many Powers will sign the first Convention. That France and Germany, Sweden and Switzerland, will do so, I can hardly doubt. I am aware that, unfortunately, in the present state of our Copyright Law, Great Britain is unable as yet to enter into any such Union, but I cannot help, with all due deference, urging upon Her Majesty's Government the expediency of taking measures for amending that Law. This course, I venture to presume, must ultimately be adopted. Should it not rather be sooner than later?

May I be permitted, from my own experience, to adduce an example in support of my recommendation?

I had the honour of being First British Delegate at the Postal Congress in Paris in the year 1878. When the Congress was over, and my two colleagues were returning to London, I said to them that in my opinion one of their first acts on arriving there should be to impress upon the authorities the great importance of at once setting to work to establish an internal Parcel Post, in order to be able to follow the example of Continental States and conclude arrangements with them for the exchange of parcels by post. I added that this really ought to be done before the assembling of the next Postal Congress, when an international scheme might be proposed.

Nothing, however, was done, and the consequence was that although British Delegates attended the Conference which assembled at Paris in the Autumn of 1880, the result of which was the signature of a Parcel Post Convention on the 3rd November by Representatives of nearly twenty countries, those of Great Britain could not sign.

I think that the soundness of my suggestion has been proved by the establishment of our internal Parcel Post previous to the opening of the approaching Congress at Lisbon, before which body the Convention of 1880 will of course be laid.

I trust that your Lordship will not deem it presumptuous on my part to have offered the preceding observations, including as they do a suggestion that such an alteration in our copyright legislation may shortly be made as will pave the way to the adhesion of Great Britain to a Union which, I believe, has every likelihood of being founded at no distant period.

No. 27.

Mr. Adams to Earl Granville.—(Received October 8.)

My Lord,

Berne, October 3, 1884.

THE proposal made at the first sitting of the International Copyright Conference by the German Delegation, to aim at a codification which would regulate in a uniform manner the whole of the International Copyright Law, seems clearly a step in the right direction, and should, I think, be kept in view as the sound principle to be ultimately adopted by the Union.

M. Reichardt, indeed, at the second sitting, allowed that the question could not be at once entered upon, but he doubtless wished that the German Delegation should have the honour of introducing it to the notice of the Conference; and he expressed the hope that such an international codification might be mentioned as one of the objects to be borne in mind in the project which would result from the labours of the Conference.

It was evident that the feeling of the Delegates generally was that an attempt at codification would be premature, and that such was not the primary business of the Conference, the essential object of which was to draw up a project likely to obtain the acceptance of as many States as possible, so that a Union might be constituted.

The result of the discussions in Committee and in plenary sittings was the adoption in the final *procès-verbal* of the second Annex: "Principes recommandés pour une unification ultérieure." The diversity of stipulations in different countries on important points is declared; and in consideration on the one hand of the little chance of any unification of principles being at once accepted by some countries, and on the other hand, of the fact that international codification must be adopted sooner or later, and should therefore be aimed at, the Conference consider that the expression of two wishes might be at once submitted to the Governments: one as to the duration of the right of protection, and the other having for object the gradual accomplishment of a complete assimilation of the right of translation to that of reproduction in general.

I have, &c.

(Signed) F. O. ADAMS.

Earl Granville to Mr. Adams.

Sir,

Foreign Office, October 22, 1884.

I HAVE received your despatches dated respectively the 23rd and 26th September and 3rd October instant, forwarding the printed record of the recent International Copyright Conference at Berne, with your observations thereon.

I have to thank you for these Reports, which shall receive my careful consideration in communication with the Board of Trade; and I have to convey to you my entire approval of your proceedings as British Delegate at the Conference.

With regard to the Project of Convention and the conclusions at which the Conference has arrived, I am of opinion that it will be advisable to defer the expression of any opinion upon the part of Her Majesty's Government for the present, and until the views of foreign Governments upon the subject have been, at all events to some extent, ascertained.

I am, &c.
(Signed) GRANVILLE.

Sir J. Pauncefote to Mr. Calcraft.

Sir,

Foreign Office, October 22, 1884.

I AM directed by Earl Granville to transmit to you despatches, as marked in the margin,* from Her Majesty's Minister at Berne, reporting upon and forwarding the printed record of the proceedings of the International Copyright Conference recently held in that city, at which Mr. Adams attended as British Delegate; and I am to request that you will move the Board of Trade to favour his Lordship with such observations as they may have to offer upon these Papers, and as to what course Her Majesty's Government should pursue in the matter.

Lord Granville further desires me to request that you will take this opportunity of pressing upon the serious consideration of the Board of Trade the present state of the Copyright question in this country, and the advantage which would arise from an amendment of the existing law, at all events as regards its international bearing.

The necessity for some such amendment will, in his Lordship's opinion, be greatly increased, should the late Conference result in the formation of an International Copyright Union, which Her Majesty's Government would certainly be unable to join under the present Law; whilst should the existing Conventions between Great Britain and foreign countries be denounced in view of the formation of such an Union, there would be little prospect of concluding other arrangements without fresh legislation.

The position of British authors and copyright owners would in such a case become exceedingly serious.

I am to add that his Lordship has approved Mr. Adams' proceedings at the Conference.

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

M. Vernet to Earl Granville.†—(Received November 5.)

*Consulat-Général de Suisse, 25, Old Broad Street,
November 4, 1884.*

My Lord,

I HAVE the honour to forward to your Lordship a Circular note from my Government, together with a certain number of copies of the proceedings of the International Copyright Conference held at Berne from the 8th to the 19th of September last.

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

* Nos. 25, 26, and 27.

† Copy to Board of Trade, November 14.

Inclosure in No. 30.

The President of the Swiss Confederation to Earl Granville.

Excellence,

Berne, le 17 Octobre, 1884.

ACCUEILLANT favorablement l'invitation qui lui a été adressée par nous, votre Excellence a bien voulu se faire représenter à la Conférence Diplomatique qui s'est réunie à Berne le 8 Septembre dernier pour rechercher de quelle manière il serait possible d'arriver à un accord commun sur la protection internationale à accorder aux auteurs d'œuvres littéraires et artistiques.

Après de laborieux travaux, les Délégués de tous les pays représentés à cette Conférence sont tombés d'accord pour accepter un procès-verbal final, dans lequel ils se sont engagés à soumettre le résultat de leurs délibérations à l'examen de leurs Gouvernements respectifs.

Nous avons l'honneur d'adresser à votre Excellence un certain nombre d'exemplaires des actes de la Conférence, lesquels renferment, outre les procès-verbaux des séances, les textes adoptés par les Délégués et recommandés par eux à l'examen de leurs Gouvernements, savoir :—

I.

(a.) Projet de Convention concernant la création d'une Union générale pour la protection des droits d'auteur ;

(b.) Projet d'Article Additionnel à cette Convention ;

(c.) Projet de Protocole de Clôture.

II.

Principes recommandés pour une unification ultérieure.*

Nous vous prions de bien vouloir soumettre à un examen bienveillant ces textes, où l'on a cherché à concilier toutes les tendances et tous les intérêts, et de nous indiquer d'ici au 1^{er} Avril prochain les observations que vous pourriez avoir à faire à leur sujet, en nous signalant, cas échéant, les modifications que vous désireriez y voir introduire. A la date susindiquée, nous avons l'intention de communiquer à tous les Gouvernements un résumé des observations et propositions qui nous seront parvenues et de convoquer en même temps une nouvelle Conférence Diplomatique pour le mois de Septembre 1885, Conférence pour laquelle il serait désirable que les Gouvernements donnassent à leurs Délégués des instructions et des pleins pouvoirs définitifs.

Nous espérons que votre Excellence voudra bien nous faire part de l'appréciation portée par son Gouvernement sur le résultat des travaux de la Conférence, et nous saisissons cette occasion, &c.

Au nom du Conseil Fédéral Suisse :

Pour le Président de la Confédération,

(Signé) L. RUCHONNET.

Le Chancelier de la Confédération,

(Signé) RINGIER.

(Translation.)

My Lord,

Berne, October 17, 1884.

GRACIOUSLY accepting our invitation, your Lordship was good enough to appoint a Representative to the Diplomatic Conference which was held at Berne on the 8th September last, to inquire in what manner it would be possible to arrive at a common agreement on the international protection to be accorded to the authors of literary and artistic works.

After laborious sittings, the Delegates of all the countries represented at that Conference agreed upon accepting a final *procès-verbal*, in which they engaged to submit the result of their deliberations to the examination of their respective Governments.

We have the honour to transmit to your Lordship copies of the proceedings of the Conference, which contain, besides the reports of their sittings, the suggestions adopted by the Delegates, and recommended by them to the attention of their Governments, namely :—

* See Inclosures to No. 25.

I.

- (a.) Draft of Convention with reference to the creation of a general Union for the protection of the rights of authors;
 (b.) Draft of Additional Article to that Convention;
 (c.) Draft of Protocole de Clôture.

II.

Principles recommended for an eventual unification.*

We beg you to take into your favourable consideration these suggestions, in which an effort has been made to conciliate all tendencies and all interests, and to favour us before the 1st April next with any observations which you may have to make thereon, pointing out to us, if there should be occasion to do so, any modifications which you may wish to see introduced. On the above-mentioned date we propose to communicate to all the Governments a résumé of the observations and proposals which we may have received, and to convene, at the same time, a new Diplomatic Conference for the month of September 1885, for which it would be desirable that the Powers should give their Delegates instructions, and definitive Full Powers.

We trust that your Lordship will be able to inform us of the views of your Government on the results of the labours of the Conference, and we avail, &c.

In the name of the Swiss Federal Council:

For the President of the Confederation,

(Signed) L. RUCHONNET.

The Chancellor of the Confederation,

(Signed) RINGIER.

No. 31.

Sir J. Pauncefote to M. Vernet.

Sir,

Foreign Office, November 14, 1884.

I AM directed by Earl Granville to acknowledge the receipt of your note of the 4th instant, relative to the International Copyright Conference at Berne; and I am to acquaint you, in reply, that his Lordship will take the subject into careful consideration in communication with the proper Department of Her Majesty's Government; and that he will in due time make a reply to the Circular note which the Federal Council have been so good as to address to him.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 32.

Mr. Calcraft to Sir J. Pauncefote.—(Received December 3.)

Sir,

Board of Trade, London, December 2, 1884.

REFERRING to your communication of the 22nd October, relative to the proceedings of the recent International Copyright Conference of Berne, and asking that Earl Granville may receive the opinion of this Board as to the course it may be advisable for Her Majesty's Government to pursue in the matter, I am directed by the Board of Trade to request that the following reply may be laid before his Lordship.

The Board of Trade have carefully considered the important question raised by the suggestion of an amendment of the existing English Copyright Law with the object of placing this country in a position to enter into any Copyright Convention which the various States represented at the Conference, or some of them, may ultimately agree to join.

While the Board of Trade are fully alive to the present unsatisfactory state of the English Copyright Law, they must, at the same time, recognize that collateral points of a disputable character are involved in any attempted legislation of this nature.

It is apparent that the proposals of the Conference go far beyond any mere

* See Inclosures to No. 25.

amendment of the Law by a repeal of those minor requirements touching registration, deposit of copies, and translations.

The suggestion, for instance, that throughout the Union there shall be one uniform period for the duration of copyright, extending a specified period beyond the author's life, raises a serious question of principle. Although the suggestion is one favoured by the Royal Commission on Copyright, the Board of Trade think the proposal would lead to prolonged discussion.

There is, however, a further and still more important consideration which induces the Board of Trade to hesitate before initiating any legislation. This is the non-participation of the United States' Government in the propositions of the Conference, and the probability that the terms of the Convention will contain stipulations of a nature unacceptable to that Government.

The Board of Trade are therefore disposed to think it very unadvisable, in view of the extreme importance of American copyright to English authors, and the negotiations still pending with the United States' Government, that any steps should at this time be taken to alter the English Law, and they would certainly at present advise the avoidance of any course which would commit Her Majesty's Government to any legislation with regard to copyright.

I have, &c.
(Signed) HENRY G. CALCRAFT.

No. 33.

M. Vernet to Earl Granville.—(Received May 6.)

*Consulat-Général de Suisse, 25, Old Broad Street,
May 5, 1885.*

My Lord,

I HAVE the honour to inclose a Circular note from the Swiss Federal Council expressing the hope that Her Majesty's Government will send a Representative to the next International Copyright Conference, which is to assemble on the 7th September at Berne.

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

Inclosure in No. 33.

The President of the Swiss Confederation to Earl Granville.

Excellence,

Berne, le 24 Avril, 1885.

UN projet de Convention Internationale pour la Protection des Droits d'Auteur, avec un Article Additionnel, un Protocole de Clôture, et l'énoncé des principes recommandés pour une unification ultérieure, a été signé à Berne le 18 Septembre, 1884, dans une Conférence à laquelle ont pris part les Délégués de douze États.

Ainsi qu'il avait été convenu, nous avons, en date du 17 Octobre, 1884, notifié officiellement ce projet à tous les Gouvernements, en les invitant à nous adresser jusqu'au 1^{er} Avril, 1885, les observations qu'ils pourraient avoir à faire sur le texte qui leur était soumis, et en engageant ceux d'entre eux qui ne s'étaient pas fait représenter à la Conférence à bien vouloir s'associer aux travaux qui auraient lieu dans la suite, en vue d'assurer la constitution de l'Union Internationale pour la Protection des Droits d'Auteur.

Parmi les réponses qui nous sont parvenues, celle du Gouvernement Français est la seule où il soit proposé d'apporter des modifications au texte élaboré par la Conférence de 1884; nous la publions en entier comme annexe.

La Belgique critique en termes généraux le projet d'Article Additionnel, en tant qu'il supprime les dispositions des Conventions existantes qui conférerait aux auteurs des droits moindres que ceux accordés par l'Union, ainsi que l'effet rétroactif donné à la Convention par l'Article XV.

Ces deux États se sont déclarés disposés à prendre part à une Conférence ultérieure, ainsi que tous ceux des États représentés à la première Conférence dont une réponse nous est parvenue. Il en est de même de plusieurs Gouvernements qui n'avaient pas

envoyé de Délégués à Berne l'année dernière et qui se montrent sympathiques à l'œuvre qui y a été faite.

Encouragés par ces circonstances favorables, nous croyons devoir convoquer sans plus tarder, une nouvelle Conférence Diplomatique, où la Convention Internationale pourra être arrêtée dans son texte définitif et soumise à la signature des Délégués des Hauts Gouvernements.

Cette Conférence se réunira à Berne, dans la salle du Conseil des États, le Lundi, 7 Septembre prochain, à 10 heures du matin.

Nous avons l'honneur d'inviter votre Excellence à bien vouloir s'y faire représenter, et nous la prions, dans ce cas, d'autoriser éventuellement son ou ses Délégués à procéder à la signature de la Convention dont les bases ont été arrêtés le 18 Septembre, 1884.

Nous nous réservons de communiquer à votre Excellence les propositions qui pourraient encore nous parvenir ultérieurement au sujet de modifications à apporter au texte du projet de Convention susmentionné.

Nous prions votre Excellence de bien vouloir nous faire savoir aussitôt que possible si nous pouvons compter sur la participation de votre Gouvernement à la Conférence Internationale, dont la date est fixée plus haut, et nous saisissons, &c.

Au nom du Conseil Fédéral Suisse :

Le Président de la Confédération,
(Signé) SCHENK.

Le Chancelier de la Confédération,
(Signé) RINGIER.

(Translation.)

My Lord,

Berne, April 24, 1885.

A DRAFT International Convention for the Protection of the Rights of Authors, with an Additional Article, a Protocole de Clôture, and a statement of the principles recommended for an eventual unification was signed at Berne on the 18th September, 1884, at a Conference which was attended by the Delegates of twelve States.

As it was there arranged, we, on the 17th October, 1884, notified officially this scheme to all the Powers, inviting them to communicate to us, before the 1st April, 1885, any observations which they might have to make on the suggestions which were submitted to them, at the same time asking those Powers who were not represented at the Conference to associate themselves in the further steps which might be taken with the object of assuring the constitution of the International Union for the Protection of the Rights of Authors.

Of all the answers received, that of the French Government is the only one in which it is proposed to make alterations in the text worked out by the Conference of 1884: this we publish in its entirety as an annex.

Belgium criticizes in general terms the draft Additional Article in so far as it suppresses the provisions of the existing Conventions which would confer on authors lesser rights than those accorded by the Union; also the retroactive power given to the Convention by Article XV.

These two States declared themselves disposed to take part in a future Conference, as did all the States represented at the first Conference from whom replies have been received. Similar replies have been received from many Powers who did not send Delegates last year to Berne, but who now show sympathy with the work that was done there.

Encouraged by these favourable circumstances, we think it right to convene, without any further delay, a new Diplomatic Conference, in which the International Convention can be drawn up in definite terms, and submitted for signature to the Delegates of the Powers.

This Conference will meet at Berne in the State Council Chamber, on Monday the 7th September next, at 10 A.M.

We have the honour to invite your Lordship to send a Representative, and we beg you, in the event of your so doing, to authorize the Delegate or Delegates to sign the Convention, the bases of which were settled on the 18th September, 1884.

We will communicate to your Lordship any proposals which may yet arrive on the subject of modifications to be made in the text of the draft Convention above mentioned.

We beg your Lordship to inform us as soon as possible if we can count on the

participation of your Government in the International Conference, the date of which is mentioned above, and we avail, &c.

In the name of the Swiss Federal Council :

The President of the Confederation,
(Signed) SCHENK.

The Chancellor of the Confederation,
(Signed) RINGIER.

No. 34.

Earl Granville to Mr. Adams.

Sir,

Foreign Office, May 9, 1885.

WITH reference to previous correspondence on the subject of copyright I have to request that you will inform the Swiss Government that Her Majesty's Government do not feel themselves at present in a position to attempt any fresh legislation on copyright in this country, and that, under these circumstances, although they have given attentive study to the draft Convention formulated at the recent Conference at Berne, they are unable to express any opinion upon the conclusions arrived at, many of which could not be agreed to by Great Britain without alterations of the existing Law.

You will, however, add that should it be decided to call another meeting of the Conference this autumn Her Majesty's Government will have much pleasure in authorizing you to attend on their behalf, as before, in a consultative capacity only.

I am, &c.
(Signed) GRANVILLE.

No. 35.

Mr. Lister to M. Vernet.

Sir,

Foreign Office, May 9, 1885.

I AM directed by Earl Granville to acknowledge the receipt of your note of the 5th instant, inclosing an invitation to Her Majesty's Government to be represented at an International Conference to be held at Berne on the 7th September next, and I am to acquaint you, in reply, that Her Majesty's Minister at Berne has been instructed to acquaint the Swiss Government with the views of Her Majesty's Government on this subject.

I am, &c.
(Signed) T. V. LISTER.

No. 36.

Mr. Adams to Earl Granville.—(Received May 13.)

My Lord,

Berne, May 11, 1885.

I HAD the honour this morning to receive your Lordship's despatch of the 9th instant, and I have addressed a note to the Swiss Government in its sense, and have stated that should it be decided to call another meeting of the Conference this autumn, Her Majesty's Government will have much pleasure in authorizing me to attend on their behalf, as before, in a consultative capacity only.

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

No. 37.

Mr. Adams to Earl Granville.—(Received June 15.)*

My Lord,

Berne, June 13, 1885.

FEDERAL Councillor Droz has informed me that, from news just received from the Swiss Legation at Washington, it appears that, according to every probability, the

* Copy to Board of Trade, June 19.

Government of the United States of America will be represented by one or several Delegates at the International Copyright Conference to be held at Berne next September.

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

No. 38.

Mr. Daldy to Mr. Bourke.—(Received July 27.)

Dear Sir,

Aldine House, Belvedere, Kent, July 25, 1885.

I REGRET the necessity of trespassing on your time so soon after your acceptance of office, for it must be very fully occupied, but as this Conference is to be held early in September it seems necessary at once to determine the attitude England is to take at it.

I am well aware that the late Ministry was only inclined to allow its Representative to appear there for the purpose of watching its proceedings; but circumstances are now somewhat changed, and the Conference will probably be generally representative of nearly all the countries, including the United States, interested in the subject.

I hope, therefore, you will be obliging enough to see me, on behalf of the Copyright Association (accompanied probably by a representative of the Incorporated Society of Authors), at any time that suits your convenience, and allow us to point out briefly the reasons why we attach great importance to England being allowed to take part in the discussions; and also to submit to you a Memorandum of the vital points apparently necessary to secure the efficiency of the Convention which will probably result from these deliberations.

It is not from want of respect, but in consideration of your time and convenience, that we refrain from asking you to receive a formal deputation, and also because we hope a very few minutes' conversation may put you in possession of our views. We believe the Treaty Department of your Office knows all the details of the subject.

I am, &c.
(Signed) F. R. DALDY.

No. 39.

Memorandum handed to Mr. Bourke by Mr. Daldy and Mr. Cotter Morrison at an Interview, July 31, 1885.

AS a Union will in all probability be formed, a literary country like England should assist in its formation, otherwise a basis of Union may be formed to which we cannot assent. We should then be left out, and if, as will probably be the case, existing Treaties be denounced, English works will not have copyright anywhere but in the British dominions, and may then be produced elsewhere, and even smuggled into the British dominions to the great detriment of the owners.

Let our Representative at the Conference have a consultative voice and voting power subject to the subsequent sanction of the Government he represents.

Advocate as Bases of Union.

(Copyright-owners in one country of the Union shall be entitled to the protection of their property in every other country of the Union to the extent accorded by the said country to copyright-owners therein or thereof. Bases of Union.

Copyright shall not exist in any other country in the Union after it has expired in the country of origin.

Registration of copyright shall only be required in the country of origin, and certificate of registration shall be *prima facie* evidence of ownership before the Tribunals of any other country.

A managing Council shall be formed with power to admit countries not in the Union if it considers copyright is sufficiently protected in the said countries.

Council shall meet once every three years or on demand of any three countries in the Union.

General Terms of Copyright.

General terms of
copyright recom-
mended to members
of Union.

Advocate general terms of copyright for adoption by the countries in the Union as under:—

Definition of copyright. (Bill, section 5.)

Definition of owner. (Bill, section 5.)

Works that can become entitled to copyright. (See Bill, section 5.)

Duration of copyright before publication—perpetual.

Duration of copyright after publication—not less than in Bill, section 7.

Penalties for infringement. (See “Bases of Union.”)

Inclosure in No. 39.

Handed to Mr. Bourke with above Memorandum.

Scheme of a Bill to Consolidate and Amend the Law relating to Copyright.

WHEREAS it is desirable to amend and consolidate the Law of Copyright: and whereas the Commissioners lately appointed by Her Majesty to inquire with regard to the Laws and Regulations relating to copyright, have, by their Report to Her Majesty, made various recommendations which, with certain exceptions, it is expedient to carry into effect:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by authority of the same, as follows:—

Preliminary.

Short title.
Extent of Act.
Commencement of
Act.

1. This Act may be cited as “The Copyright Act, 188 .”
2. This Act shall extend to the whole of the British dominions.
3. This Act shall be proclaimed in every British possession by the Governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in every part of Her Majesty's dominions on which day is in this Act referred to as the commencement of this Act.

Definitions.

Definitions.

4. In the construction of this Act—
 - “Person” shall mean any person, whether a British subject or an alien.
 - “Book” shall mean any volume, or part of a volume, or pamphlet, and include the illustrations therein; or sheet of letterpress, illustrated or otherwise; sheet, or collection of sheets, of music; map, or chart, or plan, separately published. Book shall also mean and include a Collective Book and a Periodical, but shall not include the advertisements or news in a Newspaper.
 - “Periodical” shall mean a magazine, review, newspaper, except the news or advertisements therein, or any other similar book published in parts, and include the illustrations therein; but shall not mean an encyclopædia or a dictionary.
 - “Collective Book” shall mean an encyclopædia or dictionary or book of which more than one person is the author, and include the illustrations therein; and the editor whose name stands first or alone on the title-page or cover of the last part of the first edition of such a book, shall, for the purposes of this Act, be deemed the author thereof.
 - “Anonymous Work” shall mean a work not published with the author's, inventor's, designer's, or maker's true name attached to it, or not registered in his true name during that author's lifetime.
 - “Posthumous Work” shall mean a work, anonymous or otherwise, first published after the death of the author, inventor, designer, or maker.
 - “Dramatic Piece” shall mean a tragedy, comedy, play, opera, farce, or any other scenic, musical, or dramatic composition, with or without words.
 - “Work of Fine Art” shall mean a painting, drawing, piece of statuary or sculpture, an original engraving, etching, or pictorial design; or an engraving, etching, lithograph, or photographic negative of a pictorial illustration, or of any work connected with the fine arts; also any similar work produced by any other process; also any print therefrom; also a model, or copy or cast, or a sketch or design intended to be perfected as a work of fine art.
 - “Work” shall mean and include a book, periodical, collective book, anonymous

or posthumous work, dramatic piece, a work of fine art, lecture, sermon, and anything that is the subject of copyright under this Act.

“First Publication” shall mean either—

The first act of offering to the public gratuitously or for sale;
or first public performance;
or first public exposure for reward or payment to the owner of the copyright.

“Public Performance” shall mean delivery or performance in a place to which admittance is obtained by the public by payment or subscription, or gratuitous delivery to the public, or delivery or performance for hire.

Copyright on and after Publication.

5. Any person who shall be the author, inventor, designer, or maker of
Any book;
any lecture or sermon;
any dramatic piece;
or any work of fine art;
or his lawful representatives or assigns, shall have the sole right
To print, reprint, model, draw, paint, engrave, photograph, or otherwise copy
from the model, cast, engrave, photograph, or multiply copies, in any
size, in whole or in part, by any means whatsoever;
to translate, dramatize, or abridge;
to publish, import, expose publicly or for sale, or sell;
to deliver, perform publicly, or permit, or cause to be so delivered or
performed by others;
and to reduce the score, to arrange and to adapt the air or melody of any
dramatic piece or musical composition for other purposes than that to
which it was first applied by the author;
and this right shall be termed copyright.
6. No person shall be entitled by this Act to copyright in any work unless it is
first published in the British dominions.
7. Copyright shall last and endure from the first publication of the work for the
life of the author, inventor, designer, or maker, and until thirty years after the end of
the year in which he died:
- Except that in the case of a posthumous or anonymous work, an anonymous
article in a periodical not subsequently republished in any other form,
an engraving, etching, lithograph, or any similar work produced by any
other process, or any print therefrom, which does not form part of a
book, this right shall only last for the remainder of the year in which it
is first published, and thirty years afterwards, and in the case of an
anonymous collective book for the year in which its publication is
completed, and thirty years afterwards.
- Except also that the right of republication in a separate form shall revert to
the author of any article sold only for publication in a periodical after
three years from the first publication thereof.
- Except also that the proprietor of any periodical or collective book shall not
have the right to publish in a separate form any article bought for
publication therein only, without the written consent of the author;
- Except also that the copyright in a photograph which does not form part of
a book, by being first published as an illustration therein and thereof,
shall only last for the remainder of the year in which it is published and
five years afterwards.
8. The copyright in any work of fine art shall pass to the purchaser of the work
unless reserved to the author, inventor, designer, or maker thereof by note or
memorandum in writing.
- 8*. In the case of a portrait painted, drawn, or sculptured on commission, or an
engraving, or an etching, or a lithograph, or a photographic negative, or any similar
work, or a book, periodical, or collective book, or any part thereof, made or executed
or written on commission, the purchaser for whom such commissioned work has been
executed shall for the purposes of this Act be deemed the original owner of the copy-
right therein.
9. This Act shall not confer copyright in immoral, seditious, libellous, or
blasphemous works.

Who shall be
entitled to
copyright.

Nature of
copyright.

Place of
publication.

Duration of
copyright.

Exceptions.

Owner of copyright
in a work of fine
art, &c.

Registration.

10. It shall be the duty of the Registrar of Designs and Trade-Marks to keep a register of works in which copyright exists.

11. The copyright owner of a book, a printed dramatic piece, or any second or subsequent edition thereof containing additions or alterations, or of a part of a book, first published in the United Kingdom, shall within one month of publication or of becoming owner thereof, if the work has not previously been registered, deliver to the Registrar such particulars concerning the work as the Registrar shall require and five copies thereof; and of an engraving, etching, lithographic or photographic or similar print so published, one copy thereof, and shall pay him a fee of 1s. and no more.

12. The Registrar shall upon delivery thereof at any time make in the register a memorandum of the receipt of the work to be registered, and of the title, date of publication, and name and address of the owner thereof, and deliver a certified copy of such memorandum to the person registering the same, and within one month thereafter shall send one copy of the work registered, if a book or printed dramatic piece, or a print from an engraving, lithograph, etching, or photographic negative, or similar print, to the British Museum, and also, at the expense of these respective institutions, one copy of every book or printed dramatic piece thus registered to the Bodleian Library at Oxford, one to the Public Library at Cambridge, one to the Library of the Faculty of Advocates, Edinburgh, and one to the Library of Trinity College, Dublin, and such register shall at all convenient times be open to the inspection of any person on payment of 1s., and the Registrar shall give such person a certified copy of any entry therein on payment of a further sum of 5s.

13. Paintings, drawings, sculpture, or any similar work of fine art must be registered in the manner required by the Registrar by the transferee within one month after the copyright therein becomes vested in some other person than the owner of the work itself, but a copy of the work need not be delivered to the Registrar for this purpose.

14. Within one month of the first sale or first public performance of any dramatic piece in the United Kingdom, the copyright owner shall register it in the manner required by the Registrar, if not already registered as a book, at the office of the Registrar of Copyrights.

15. It shall not be necessary to pay more than one fee of 1s. for registering a periodical or collective book, but five copies of every part of it, published after the commencement of this Act, if published within the United Kingdom, must be delivered by the copyright owner within one month of publication to the Registrar, who shall thereupon give a receipt for the same.

16. Any copyright owner may also re-register in his own name at any time any work on payment of 1s., and delivery where required by this Act of five copies or of one copy of the work to be registered, to the Registrar.

17. Any copyright owner may at any time require from the Registrar an additional certified copy of the Registrar's memorandum of receipt on payment of a fee of 5s.

18. A certified copy of the Registrar's memorandum of receipt shall be *prima facie* evidence of the first publication and due registration of the work, and of the title to the copyright therein.

19. No owner of the copyright of a work first published in the United Kingdom shall be entitled to take or maintain any proceedings, or to recover any penalty in respect of any infringement of his copyright, until it has been registered, if required by this Act.

20. The penalty for not registering or not registering and depositing copies in compliance with this Act shall not be less than 40s. nor more than 20l., and may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Act, but no copyright owner shall be liable for default of registration by any preceding owner.

21. The Registrar shall also keep a register of transfers of ownership of copyright, and any copyright owner may, after the copyright is registered, have the transfer thereof registered therein on payment of a fee of 5s., and may also require from the Registrar a certificate of ownership thereof on payment of a further fee of 5s., and such certificate shall be *prima facie* evidence of the ownership of the said work.

22. Wilfully making a false entry, or causing one to be made in the Register of Copyrights or Register of Transfers, shall be a misdemeanour, and be punishable accordingly.

Appointment of Registrar.

Register and deposit of copies.

Registrar to give receipt and to send copies to libraries.

Registration of paintings, &c.

Registration of dramatic pieces.

Registration of periodicals.

Re-registration.

Certified copy of receipt.

Registrar's receipt *prima facie* evidence.

No proceedings till after registration.

Penalties for not registering.

Registration of transfers.

False entry.

23. No owner of an engraving, etching, photograph, or lithograph published separately, or of any model, cast, or copy of any sculpture, or any similar work, shall have copyright therein unless every published copy thereof has on it the word "registered," and the name and address of the inventor, designer, or maker, or proprietor thereof, and the year of its first publication. Each copy of an engraving, &c., to have the word "registered," &c., on it.

24. No owner of a lithographic or photographic negative or similar work need deposit or register it unless he desires to maintain his copyright therein. Non-compliance with the terms of registration prescribed by this Act, in the case of such lithographic or photographic negative or similar work, shall be deemed a ceding to the public of the copyright thereof. Registration of lithographs and photographs.

25. The forms of registration required by this Act shall be prescribed by the Board of Trade.

Penalties.

26. Any person who infringes copyright or any of the rights given by this Act in any work— Penalties.

By printing; or by modelling, drawing, painting, engraving, photographing, or otherwise copying from a model; or by casting, engraving, photographing, or repeating; or by multiplying copies of it in any size in whole or in part by any means whatsoever;

Or by publishing or importing, or by selling, or exposing publicly or for sale, or letting for hire any copy thereof, or any colourable imitation thereof, or copy with alterations or additions thereto not authorized by the original copyright owner, knowing that the said copy or colourable imitation is imported or made without the consent of the owner;

Or by wilfully importing into the United Kingdom or any other British possession copyright books reproduced in any British possession under arrangement with the copyright owner without the said owner's sanction in writing, after due notice of the existence of the copyright therein has been given to Her Majesty's Customs under "The Customs Consolidation Act, 1876," or in any other way prescribed by the authority of Parliament.

Or by translating, dramatizing, or abridging it;

Or by making extracts therefrom in such a manner as to inflict loss on the owner of the copyright;

Or by reducing the score, or by arranging or adapting the air or melody of any dramatic piece for other purposes than that to which it was first applied by the author;

Or by delivering or publicly performing it (except in the case of songs);

Or by causing any of these acts to be done, may be restrained by injunction or otherwise as the Court may think fit, and shall forfeit to the owner of the copyright all plates, whether of steel, copper, zinc, stereotype, or electrotype, or of other material, all illustrations, whether on wood, or steel, or copper, or stone, or zinc, or of any other kind, and all casts therefrom, or fac-similes thereof, and all materials specially belonging to the said copyright work, and all copies of works or parts of works in his possession or control, and also be liable for such damages, not less than 50*l.*, as the Court may award.

27. Any person who infringes copyright in any work by selling it, or exposing it publicly or for sale, or letting it for hire, or in the case of a song reserved by notice by publicly performing it, shall be restrained by injunction or otherwise as the Court may think fit, and shall also forfeit all copies in his possession or control to the owner of the copyright, and shall be liable for such damages as the Court may award; but no copyright owner shall have the right to sue for any penalty for public performance of any song first published after the commencement of this Act, unless he shall print, or cause to be printed, upon the title-page of every published copy thereof a notice that the right of public performance is reserved. Penalties for selling copies, &c.

28. Any person fraudulently representing any work of fine art to be wholly or in part the work of a person who is not its author, inventor, designer, or maker, in any way by which such representation can be conveyed, or knowingly selling, publishing, or exhibiting such a work, may be restrained by injunction or otherwise, as the Courts may think fit, and shall upon conviction forfeit to the person aggrieved such a sum, not exceeding 10*l.*, as the Court may award, and all fraudulent copies of the said work in his possession or control. Fraudulently representing any work of fine art.

29. If any person elsewhere than at his own house, shop, or place of business shall hawk, carry about, offer, or keep for sale or hire any unlawful copy, repetition, or imitation of any work, wherein there is copyright under this Act, every such unlawful copy, repetition, or imitation may be seized without warrant by the owner Penalties for hawking, &c., unlawful copies.

of the copyright, or by any peace officer or other person authorized by him in writing, and forthwith taken before any person having jurisdiction under the Summary Jurisdiction Act, and upon proof that such copy, repetition, or imitation was unlawfully made, it shall be forfeited and delivered up to the owner of the copyright as his property.

Recovery of fines or damages.

30. Fines or damages incurred under this Act may be recovered on summary conviction, in manner provided by the Summary Jurisdiction Act, if the amount does not exceed 50*l.*, or by action for any amount whatsoever.

Limitation of action.

31. No action or summary proceedings for infringement of this Act shall be commenced after two years from the arising of the cause of action.

Miscellaneous.

Copyright personal property.

32. Copyright shall be deemed personal property and be capable of assignment or transmission by bequest or operation of law.

No right, &c., taken away by this Act, except of songs, &c.

33. No right, interest, or remedy acquired under any other Act, or Treaty, or Order in Council, shall be taken away by this Act in the case of works published before the passing of this Act, notwithstanding the repeal of the Act giving such right, interest, or remedy, except that the owner of the performing right of any song published before the passing of this Act shall only recover the value of any actual damage or loss he may have sustained from its unlawful performance.

Extension of copyright to works published before the passing of this Act.

34. The copyright subsisting in works published before the commencement of this Act shall endure for the term limited by the enactments existing before the passing of this Act, or for the term fixed by this Act, whichever is the longer, and the copyright owner shall for any extension of copyright under this Act be entitled to all the rights and remedies given by this Act; but when the copyright owner is an assignee for other consideration than natural love and affection, he must, to obtain the benefits of any extension of copyright under this Act, get the consent in writing before the expiration of the original term of copyright of the author, inventor, designer, or maker, or his personal representatives, to accept the provisions of this Act, and must register the said consent at the Office of the Registrar of Copyrights, in the manner required by the Registrar, within one month of obtaining the same.

Author of an article may sue on infringement.

35. The author of any article in a periodical shall at all times have the same right as the owner of the periodical to prevent its unauthorized republication.

Rights may be assigned separately.

36. Any one of the rights of copyright acquired under this Act may be assigned or transmitted separately, and its transfer registered, and the owner of such right may sue for infringement thereof as if he were the owner of the entire copyright conferred by this Act.

Copyright in the British Possessions.

British possessions may legislate.

37. If by any Law or Ordinance made after the commencement of this Act by the Legislature of any British possession satisfactory provision, with suitable penalties, is made for carrying clauses 5 to 7 of this Act, or any modification thereof satisfactory to Her Majesty, into effect within such possession, Her Majesty may by Order in Council suspend the operation within such British possession of this Act, or of any part thereof.

Remedies under this Act.

38. All rights and remedies to which a person may be entitled in any British possession under this Act shall be in addition to, and not in derogation of, any rights or remedies to which he may be entitled under the law of that possession.

International Copyright.

No further Orders to be made except to revoke existing Orders.

39. After the commencement of this Act, no Order in Council shall be made under the powers conferred upon Her Majesty by "The International Copyright Act," passed in the seventh year of her reign (7 Vict., cap. 12), and by "An Act to extend and explain the International Copyright Acts," passed in the fifteenth and sixteenth years of Her Majesty's reign (15 and 16 Vict., cap. 12), except to revoke any Orders in Council made under the aforesaid Acts, and no Order so issued shall affect any right, interest, or remedy acquired before its issue.

Order in Council may grant copyright to foreign works.

40. It shall be lawful for Her Majesty by Order in Council to assent to any Copyright Treaty or Convention with any foreign State or States, or to direct that any work and any translation of any book or dramatic piece published and having copyright in any foreign State named in the said Order, shall have copyright in the British dominions or any part thereof as defined in such Order, but not for a term exceeding the term of copyright granted by this Act to any work copyright under it throughout

the British dominions, and also to revoke any such Order, but only in such a manner as not to affect any right, interest, or remedy acquired before such revocation;

Provided that Her Majesty shall, by Treaty, Convention, or otherwise, have secured in the said foreign State, or be satisfied that due provision has been made by the said State or States for securing, such copyright for all or any works or translations of books possessing copyright under this Act as may appear satisfactory to Her Majesty.

41. Any Order in Council made under this Act shall be forthwith published in the "London Gazette," and shall after such publication be deemed to have been duly made, and shall also be laid before both Houses of Parliament within six weeks after it is made, or, if Parliament is not then sitting, within six weeks after the commencement of the next Session of Parliament.

Publication of Order in Council in Great Britain.

42. A copy of every Order in Council made under this Act shall be forwarded as soon as may be after it is made to the Governor of every British possession, and be duly published by him in the manner usual for the publication of Orders in Council in such possession.

Publication of ditto in British possessions.

43. On such an Order in Council being made, the protection, remedies, and penalties for infringement of such copyright afforded and imposed by sections and of this Act, shall apply to every such work or translation of a book as if it had been first published within the British dominions.

Protection on Order being made.

Repeal of Statutes.

44. The Acts specified in the following Schedule are hereby repealed as from the commencement of this Act.

Repeal of Statutes.

Title of Act.

8 Geo. 2, c. 13	..	An Act for the encouragement of the Arts of Designing, Engraving, and Etching historical and other Prints by vesting the properties thereof in the Inventors and Engravers during the time therein mentioned.
7 Geo. 3, c. 38	..	An Act to amend and render more effectual an Act made in the eighth year of the reign of King-George the Second, for the encouragement of the Arts of Designing, Engraving, and Etching historical and other prints, for vesting in and securing to Jane Hogarth, widow, the property in certain prints.
15 Geo. 3, c. 53	..	An Act for enabling the two Universities in England, the four Universities in Scotland, and the several Colleges of Eton, Westminster, and Winchester, to hold in perpetuity their Copyright in Books given or bequeathed to the said Universities and Colleges for the advancement of useful learning and other purposes of education, and for amending so much of an Act of the eighth year of the reign of Queen Anne as relates to the delivery of books to the warehouse-keeper of the Stationers' Company for the use of the several Libraries therein mentioned.
17 Geo. 3, c. 57	..	An Act for more effectually securing the property of Prints to Inventors and Engravers by enabling them to sue for and recover penalties in certain cases.
54 Geo. 3, c. 56	..	An Act to amend and render more effectual an Act of His present Majesty, for encouraging the art of Making new Models and Casts of Busts, and other things therein mentioned, and for giving further encouragement to such Arts.
3 Will. 4, c. 15	..	An Act to amend the laws relating to Dramatic Literary Property.
5 & 6 Will. 4, c. 65	..	An Act for preventing the publication of Lectures without consent.
6 & 7 Will. 4, c. 59	..	An Act to extend the protection of Copyright in Prints and Engravings to Ireland.
5 & 6 Vict., c. 45	..	An Act to amend the Law of Copyright.
7 Vict., c. 12	..	An Act to amend the Law relating to International Copyright.
15 & 16 Vict., c. 12	..	An Act to enable Her Majesty to carry into effect a Convention with France on the subject of Copyright, to extend and explain the International Copyright Acts, and to explain the Acts relating to Copyright in Engravings.
25 & 26 Vict., c. 68	..	An Act for amending the law relating to Copyright in works of the Fine Arts, and for repressing the commission of fraud in the production and sale of such works.
38 Vict., c. 12	..	An Act to amend the Law relating to International Copyright.
45 & 46 Vict., c. 40	..	An Act to amend the Law of Copyright relating to Musical Compositions.

No. 40.

The Marquis of Salisbury to Mr. Adams.

(Telegraphic.)

Foreign Office, August 13, 1885, 4 P.M.

CAN British Delegates attend Copyright Conference with power to discuss and vote, on the understanding that Her Majesty's Government would reserve right to approve or reject Resolutions of Conference, and would not be bound thereby?

No. 41.

The Marquis of Salisbury to Sir L. West.

(Telegraphic.)

Foreign Office, August 13, 1885, 2.20 P.M.

COPYRIGHT Conference at Berne. Do the United States Government contemplate sending Delegates.

Answer by telegraph.

No. 42.

Sir L. West to the Marquis of Salisbury.—(Received August 14.)

(Telegraphic.)

Washington, August 13, 1885.

IN reply to your telegram dated to-day.

United States' Minister at Berne will be appointed United States' Delegate to Conference.

No. 43.

Sir J. Pauncefote to Mr. Calcraft.

Sir,

Foreign Office, August 14, 1885.

I AM directed by the Marquis of Salisbury to state to you that his Lordship has ascertained that a Delegate from the United States will attend the Copyright Conference to be held at Berne in the beginning of next month.

The meeting will thus assume additional importance for this country, and his Lordship is of opinion that it will be desirable to extend the powers given to the British Delegate at the last Conference, so as to enable him to take part in the discussions and to vote, but on the understanding that any part he takes in the proceedings will be *ad referendum*, and that any Resolutions arrived at will be entirely subject to subsequent approval or rejection by Her Majesty's Government.

Lord Salisbury is of opinion that it is expedient that Great Britain should have a voice in any question which may be raised by the United States' Delegate, and also that arguments should be presented, if occasion should arise, on behalf of Her Majesty's Government, with the object of opposing, so far as possible, the adoption of any stipulations which might prevent Her Majesty's Government from acceding hereafter to the proposed Convention for the formation of a Copyright Union.

It is not improbable that existing British Copyright Conventions will be denounced in consequence of the formation of such an Union, and the question is therefore one which materially affects British interests. Lord Salisbury is of opinion that it should not be neglected, and will be glad to learn that the Board of Trade concur in the course proposed by his Lordship.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

Mr. Calcrafft to Sir J. Pauncefote.—(Received August 15.)

Sir, *Board of Trade, London, August 15, 1885.*
I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 14th instant, stating, by direction of Lord Salisbury, that he has ascertained that a Delegate from the United States will attend the approaching Copyright Conference at Berne, and that, in view of the additional importance the meeting will thus assume, his Lordship is of opinion that it is desirable to extend the powers given to the British Delegate at the last Conference so as to enable him to take part in its discussions and to vote.

In reply, I am to acquaint you, for the information of his Lordship, that as the Board understand that the course proposed will in no way fetter or prejudice future action on the part of Her Majesty's Government on the question of copyright, they concur in his Lordship's proposal.

I have, &c.
(Signed) HENRY G. CALCRAFT.

Mr. Adams to the Marquis of Salisbury.—(Received August 17.)

My Lord, *Berne, August 14, 1885.*
YOUR Lordship's telegram of yesterday reached me in the evening, and I have this morning communicated its substance to Federal Councillor Droz.

He said at once that British Delegates would be received at the approaching Copyright Conference with great pleasure on the conditions mentioned by your Lordship, namely, with power to discuss and to vote, but not to bind Her Majesty's Government, who would reserve to themselves the right to approve or to reject the Resolutions of the Conference.

I have informed your Lordship accordingly by telegraph.

M. Droz thanked me warmly for this communication, and he added that, according to the last information from the United States, that country would certainly be represented at the Conference.

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

The Marquis of Salisbury to Mr. Adams.

Sir, *Foreign Office, August 18, 1885.*
IN my predecessor's despatch of the 9th May last you were directed to inform the Swiss Government that you were authorized to attend the meeting of the Copyright Conference to be held at Berne next month as British Representative, but in a purely consultative capacity and with no power to vote.

I have now to acquaint you that Her Majesty's Government have decided to extend the functions thus assigned to you by giving you power to take part in the discussions and to vote; but on the distinct understanding that any part to be taken by you in the proceedings will be *ad referendum*; and that any Resolutions arrived at by the Conference will be entirely subject to subsequent approval or rejection by Her Majesty's Government.

You will be especially careful to notice and report any views which may be expressed by the United States' Delegates; and you will generally direct your efforts to secure, as far as possible, that no stipulations should be inserted in the International Copyright Convention of such a nature as to render it unlikely that Her Majesty's Government might accede to it at some future time.

I have appointed Mr. J. H. G. Bergne, Superintendent of the Treaty Department of this Office, as second British Delegate, to attend the meetings of the Conference, and generally to assist you in all matters relating to it.

You will acquaint the Swiss Government with the capacity in which the British Delegates will attend the Conference.

I am, &c.
(Signed) SALISBURY.

No. 47.

The Marquis of Salisbury to Mr. Bergne.

Sir,

Foreign Office, August 18, 1885.

I HAVE to acquaint you that I have appointed you to be second British Delegate to the International Copyright Conference to be held at Berne next month.

You will proceed to Berne at the proper time for that purpose, and will place yourself in communication with Mr. Adams.

I am, &c.
(Signed) SALISBURY.

No. 48.

Sir J. Pauncefote to Mr. Daldy.

Sir,

Foreign Office, August 20, 1885.

WITH reference to your recent interview with Mr. Bourke on the subject of the International Copyright Conference to meet at Berne on the 7th September next, I am directed by the Marquis of Salisbury to acquaint you that his Lordship has decided to extend the functions previously assigned to the British Representative by giving him power to take part in the discussions and to vote; but on the understanding that any Resolutions which may be arrived at are entirely subject to subsequent approval or rejection by Her Majesty's Government.

I am to add that his Lordship has appointed Mr. Bergne, of this Office, to be second British Delegate to the Conference.

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

No. 49.

Sir J. Pauncefote to Mr. Calcraft.

Sir,

Foreign Office, August 21, 1885.

WITH reference to your letter of the 15th instant, I am directed by the Marquis of Salisbury to transmit to you, to be laid before the Board of Trade, a copy of the instructions which his Lordship has sent to Mr. Adams, relative to the International Copyright Conference to be held next month at Berne.*

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

No. 50.

Mr. Adams to the Marquis of Salisbury.—(Received August 24.)

My Lord,

Berne, August 22, 1885.

IN accordance with the instructions contained in your Lordship's despatch of the 18th instant, I have this day addressed a note to the President of the Swiss Confederation, acquainting the Swiss Government with the capacity in which the British Delegates will attend the Copyright Conference to be held next month in Berne.

I have the honour to transmit herewith a copy of my note.

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

Inclosure in No. 50.

Mr. Adams to M. Schenk.

M. le Président,

Berne, August 22, 1885.

IN my note of the 11th May last to your Excellency I had the honour to inform the Swiss Government that if it were decided to call another meeting of the Copyright

Conference this autumn, Her Majesty's Government would have much pleasure in authorizing me to attend on their behalf, as before, in a consultative capacity only. I should thus have had no power to vote.

I have now, however, the honour, in accordance with the instructions which I have received from the Marquis of Salisbury, to acquaint the Swiss Government that Her Majesty's Government have decided to extend the functions thus assigned to me by giving me power to take part in the discussions and to vote in the Conference to be held here next month, but on the distinct understanding that any part to be taken by me in the proceedings will be *ad referendum*, and that any resolutions arrived at by the Conference will be entirely subject to subsequent approval or rejection by Her Majesty's Government.

I am also instructed by the Marquis of Salisbury to inform the Swiss Government that his Lordship has appointed Mr. J. H. G. Bergne, Superintendent of the Treaty Department of the Foreign Office, as second British Delegate to attend the meetings of the Conference, and generally to assist me in all matters relating to it.

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

No. 51.

Mr. Adams to the Marquis of Salisbury.—(Received September 11.)

My Lord,

Berne, September 9, 1885.

THE second International Copyright Conference was opened at Berne on the 7th instant.

I have the honour to transmit herewith two copies of the list of the Delegates.

M. Droz, Head of the Federal Department of Commerce and Agriculture, was again chosen unanimously to be the President of the Conference, and the French Ambassador, M. Arago, to be Vice-President.

I do not propose to report upon this Conference from time to time in detail. Unless, indeed, an incident should arise during the course of our deliberations which would require a reference for instructions to Her Majesty's Government, Mr. Bergne and I have agreed that it will be more convenient for us to address a joint Report to your Lordship after the close of the proceedings, and I trust that this course will meet with your Lordship's approval.

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

Inclosure in No. 51.

LISTE des Délégués à la Conférence Internationale pour la Protection des Droits d'Auteur.

Allemagne	M. Reichardt, Conseiller Intime Actuel de Légation, Conseiller Rapporteur au Département des Affaires Étrangères de l'Empire Allemand. M. le D ^r . Meyer, Conseiller Intime Supérieur de Régence au Département de la Justice de l'Empire Allemand. M. le D ^r . Otto Dambach, Conseiller Intime Supérieur Actuel des Postes, Professeur de Droit à l'Université de Berlin.
Amérique (États-Unis d') .. .	Mr. Boyd Winchester, Ministre Résident et Consul-Général des États-Unis à Berne.
Argentine (République) .. .	
Belgique	Son Excellence M. Maurice Delfosse, Envoyé Extraordinaire et Ministre Plénipotentiaire de Belgique à Berne.
Costa Rica	
Espagne	Son Excellence M. le Sénateur Don Melchior Sangro y Rueda, Comte de la Almina, Envoyé Extraordinaire et Ministre Plénipotentiaire d'Espagne à Berne. M. Manuel Tamayo y Baus, Chef Supérieur du Corps des Facultés des Archives, Bibliothèques et Antiquités, Directeur de la Bibliothèque Nationale, Membre et Secrétaire Perpétuel de l'Académie Espagnole.

France	Son Excellence M. Emmanuel Arago, Ambassadeur de France près la Confédération Suisse, à Berne. M. Louis Ulbach, Président de l'Association Littéraire Internationale. M. René Lavollée, Consul-Général de France, Docteur ès Lettres. M. Louis Renault, Professeur de Droit des Gens à la Faculté de Droit de Paris.
Grande-Bretagne	Son Excellence Mr. F. O. Adams, C.B., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté Britannique à Berne. Mr. J. H. G. Bergue, Superintendent of the Treaty Department of the Foreign Office.
Haïti	M. le Dr. Louis-Joseph Janvier, Docteur en Médecine de la Faculté de Paris, Lauréat de la Faculté de Médecine de Paris, Diplômé de l'École des Sciences Politiques de Paris (Section Administrative et Section Diplomatique).
Honduras	M. Weder, Docteur en Droit.
Italie	M. le Chevalier Enrico Rosmini, Vice-Président de la Société Italienne des Auteurs. M. le Chevalier Remigio Trincheri, Officier de l'Ordre de la Couronne d'Italie, Chevalier de l'Ordre des SS. Maurice et Lazare, Chevalier de la Légion d'Honneur de France, Chef de Bureau au Ministère Royal de l'Agriculture, de l'Industrie et du Commerce.
Paraguay	
Pays-Bas	M. B.-L. Verwey, Consul-Général des Pays-Bas près la Confédération Suisse.
Suède et Norvège— Pour la Suède	M. A. Lagerheim, Secrétaire-Général du Ministère des Affaires Étrangères.
Pour la Norvège	M. F. Bätzmann, Vice-Président Honoraire de l'Association Littéraire Internationale.
Suisse	M. le Conseiller Fédéral Louis Ruchonnet, Chef du Département Fédéral de Justice et Police. M. le Conseiller Fédéral Numa Droz, Chef du Département Fédéral du Commerce et de l'Agriculture. M. A. d'Orelli, Professeur de Droit à l'Université de Zurich.
Tunisie	M. Louis Renault, Professeur de Droit des Gens à la Faculté de Droit de Paris.
	<i>Secrétariat.</i>
	M. Charles Soldan, Juge au Tribunal Cantonal du Canton Vaud, à Lausanne. M. Bernard Frey, Secrétaire du Bureau International de la Propriété Industrielle, à Berne.

Berne, Septembre 1885.

No. 52.

Mr. Adams to the Marquis of Salisbury.—(Received September 11.)

My Lord,

Berne, September 9, 1885.

WITH reference to my preceding despatch, your Lordship will observe that Mr. Boyd Winchester, Minister Resident and Consul-General of the United States of America in Switzerland, has been appointed sole Delegate for his country to the second Copyright Conference at Berne.

He has been kind enough to inform me that, whilst his Government have stated that they take the most lively interest in this Conference, and have instructed him to participate in the deliberations, and make a full and prompt Report of its proceedings, they are unable, on this occasion, to give him power to vote or to bind his Government in any way.

In fact, he appears to be in the same position as I occupied in the Conference of September 1884.

(Signed) F. O. ADAMS.

No. 53.

Mr. Adams to the Marquis of Salisbury.—(Received September 12, 2 P.M.)

(Telegraphic.)

Berne, September 12, 1885, 12:15 P.M.

It is proposed that the Delegates should sign a document simply submitting the draft Convention agreed upon for the approval of the Governments. This would not bind Her Majesty's Government in any way. I conclude we may sign, as I was authorized to do so last September in regard to a similar document.

No. 54.

Sir V. Lister to Sir T. Farrer.

Sir,

Foreign Office, September 12, 1885.

I AM directed by the Marquis of Salisbury to acquaint you, for the information of the Board of Trade, that Her Majesty's Minister at Berne has inquired by telegraph to-day whether the British Delegates to the Berne Copyright Conference can sign, in common with the Delegates of the other Powers, a document simply submitting, for the approval of the respective Governments, the draft Convention agreed upon, and states that this document will in no way bind Her Majesty's Government.

Mr. Adams was authorized to sign a similar document in September of last year, with the concurrence of the Board of Trade, as stated in your letter of the 18th September last, and the Swiss Government have been informed of the capacity in which the British Delegates attend the present Conference, viz., with power to discuss and vote at the Conference, but that any resolutions arrived at by it will be entirely subject to subsequent approval or rejection by Her Majesty's Government. Lord Salisbury would, however, be glad to ascertain that the Board of Trade have no objection to the Delegates signing such a document as proposed.

Mr. Adams having requested that an answer may be sent to his inquiry by telegraph, I am to state that Lord Salisbury would be glad to be furnished with the opinion of the Board of Trade on this question as soon as possible.

I am, &c.

(Signed) T. V. LISTER.

No. 55.

Mr. Calcrafft to Sir Villiers Lister.—(Received September 14.)

Sir,

Board of Trade, London, September 14, 1885.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 12th instant, stating that Her Majesty's Minister at Berne has inquired whether the British Delegates at the Berne Copyright Conference can sign, in common with the Delegates of the other Powers, a document simply submitting, for the approval of the respective Governments, the draft Copyright Convention agreed upon, on the understanding that this course will in no way bind Her Majesty's Government.

In reply, I am to state, for the information of Lord Salisbury, that the Board of Trade see no objection in the circumstances of the case to the Delegates signing such a document as proposed, on the understanding expressed in the correspondence that such signature is not to bind Her Majesty's Government in any degree, or to be taken as any indication of their opinion.

I have, &c.

(Signed) HENRY G. CALCRAFT.

No. 56.

The Marquis of Salisbury to Mr. Adams.

(Telegraphic.)

Foreign Office, September 14, 1885, 3:30 P.M.

IN reply to your telegram of 12th instant.

Provided proposed document is understood not to bind Her Majesty's Government in any way, or to indicate their opinion, you are authorized to sign it.

The Marquis of Salisbury to Mr. Adams.

Sir, *Foreign Office, September 15, 1885.*
 I HAVE received your despatch of the 9th instant, relative to the opening of the International Copyright Conference at Berne, and I approve of the course proposed by you as to reporting the proceedings of the Conference.

I am, &c.
 (Signed) SALISBURY.

Mr. Adams to the Marquis of Salisbury.—(Received October 3.)

My Lord, *Berne, September 28, 1885.*
 WITH reference to my despatch of the 22nd instant, I have the honour to transmit to your Lordship herewith the Joint Report of the British Delegates at the late International Copyright Conference, together with printed copies of the whole proceedings.

Your Lordship will observe that, in the declaration made by me during the fifth sitting, I stated that we were authorized to sign the Final Act on certain conditions, conformably to the instructions which were conveyed to me by your Lordship's telegram of the 14th instant.

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

Inclosure 1 in No. 58.

Messrs. Adams and Bergne to the Marquis of Salisbury.

My Lord, *Berne, September 25, 1885.*
 WE have the honour to report that, in obedience to your Lordship's instructions, we attended, as British Delegates, the International Copyright Conference which met at Berne on the 7th instant.

The following States were represented:—

Germany, Argentine Republic, Belgium, Costa Rica, Spain, United States, France, Great Britain, Haiti, Honduras, Italy, Paraguay, Netherlands, Sweden, Norway, Switzerland, and Tunis.

The object of the Conference was to discuss and amend the draft Convention for the formation of an International Copyright Union which was framed at the Conference of last year.

After a careful study of this draft we were of opinion that in many points it entered too much into detail, and presented difficulties in this respect which could not easily be harmonized with the legislations of many of the States which might wish to join the projected Union. Our object, therefore, was to remove these difficulties by recommending that the Convention should be confined as far as possible to the enunciation of the broad principles indispensable to the formation of such an Union. With this view we felt it to be our duty to propose considerable amendments in the text, the nature of which will be apparent upon a perusal of the records of the Conference.

In these proposals we have been principally guided by the recommendations of the British Royal Commission on Copyright of 1878; and we believe that the draft Convention which has resulted from the labours of the present Conference will be found to be consistent, in its general principles, with those recommendations.

We are glad to be able to report that, after protracted discussion, almost all our proposals were accepted in principle, and that the Project, as it now stands, is one which we believe we can confidently recommend to the favourable consideration of Her Majesty's Government.

We have the honour to transmit with this Report the printed records of the proceedings.*

* The full record of proceedings is not included in this volume. The final Protocol and documents attached thereto are given only, as an Inclosure to this Report.

The sittings of the Conference lasted from the 7th to the 18th September, and the result was the unanimous adoption of a Final Act, which was signed by the Representatives of Germany, Spain, France, Great Britain, Haïti, Honduras, Italy, Netherlands, Sweden, Norway, Switzerland, and Tunis.

The Delegates of the other States represented at the Conference, whilst expressing the sympathy of their Governments for the objects of the Convention, had not received authority to sign the Final Act.

In this document the Delegates agree upon, and recommend for the consideration of their Governments, a draft Convention, an Additional Article, and a Protocole de Clôture, and express the hope that the same may be accepted, and that the Diplomatic Representatives may, within the delay of twelve months, be instructed to sign it on behalf of their Governments. It was decided that the draft Convention now submitted is to be regarded as a definitive basis of the Copyright Union, not subject to amendment, but to be accepted or declined as it stands by any Power.

Provision has, however, been made in the XVIIth Article for periodical revisions of any points which may eventually require attention; but any such ulterior modifications will only become binding by the unanimous consent of the Contracting States.

Practically, therefore, the International Copyright Union may be said to be established on the basis of this draft Convention, which will undoubtedly be signed within the next twelve months by several of the States represented at the Conference.

The broad principle of the Convention is that each of the States of the Union shall accord to the other States composing it the advantages of national treatment, under the conditions specified in the Convention.

The main points to which we invite the attention of Her Majesty's Government are as follows:—

1. *Duration of Copyright.*

The provisions on this head which are contained in the laws of various countries differ so considerably, both as to the mode of determining the period and as to the extent of protection accorded to various kinds of copyright property, that it was universally recognized from the outset to be impossible, without a complete international codification of Copyright Law, to adopt any definite term as the basis of an International Copyright Union. It was admitted that any attempt at such a codification at the present moment would be premature, and Article II of the draft Convention therefore stipulates that the owners of literary and artistic property belonging to any State of the Union, or their legal representatives, shall enjoy in every other State thereof the same protection as is granted to natives, such protection, however, not to exceed that granted in the country of origin; the object of this latter stipulation being that, when copyright in any work has expired in the country of origin, it shall no longer exist elsewhere.

2. *Place of Origin.*

Under the conditions stated above, it is obviously essential to be able to decide clearly and readily what is the country of origin of the work.

To give an example: the duration of copyright in Spain is for the life of the author and eighty years after his death; in France, life and fifty years; in Belgium, life and twenty years.

If protection under the Convention were claimed for a work of French origin in Spain, the duration would be for the life of the author and fifty years after his death, the maximum period granted in France; but if the protection were claimed in Spain for a work of Belgian origin, the duration would be for the life of the author and twenty years, the maximum allowed by Belgian law.

If, however, protection were claimed in Belgium for works of Spanish or French origin, the duration would in each case be for life and twenty years according to Belgian law.

The draft Convention framed last year determined the place of origin according to the nationality of the author. We, however, considered that this method would occasion great difficulty in practice, not only in regard to cases where the nationality of the author might be doubtful, but in the numerous instances where works may be first published in one country by a native of another country. We therefore proposed the principle which has been adopted in Article II, viz., that the country where the work is first published is considered the country of origin; and in case of simultaneous publication in two or more countries, the country in which the shortest term of copyright is granted by law.

This plan will, we believe, afford a ready means of deciding the point in every case.

3. *Title to Copyright, Registration, Deposit, &c.*

The only principle upon which an International Copyright Union can apparently be founded with any chance of success is that the title to copyright shall be acquired in all States of the Union by the simple accomplishment of the formalities required by law in the country of origin.

The Royal Commission of 1878 recommended the abolition of the obligation at present imposed by British law for the registration and deposit in Great Britain of foreign works claiming protection there. The deposit of foreign works in the British Museum was declared by the Principal Librarian to be valueless, and it was pointed out that the only countries which still required this formality of registration and deposit of foreign works were England and Spain. The latter country has since abolished this condition, and England therefore remains the only country which still clings to it.

It is clear that the antiquated form of double registration and deposit—in the country of origin, and in the foreign State—imposes an onerous burden on authors, if protection is demanded in several foreign States, especially in the case of works which, in the interest of the public, most require protection, such, for instance, as expensive scientific and historical publications. To form a Copyright Union on such a basis would be perfectly illusory, as the expense of fulfilling such conditions in many and distant States would often deter the author from obtaining protection in them.

In view of these considerations, we have not hesitated to accept the principle contained in Article II of the draft Convention, viz., that the enjoyment of the rights granted by the Convention is conditional simply on the accomplishment of the formalities, whatever they may be, required by law in the country of origin.

To enable such a condition to be carried out with effect, it is, however, necessary to provide some mode of *prima facie* proof which, unless invalidated, shall serve as presumptive evidence of authorship; otherwise, an author seeking legal redress against the piracy of his work abroad may be put to the inconvenience and expense of proving in a foreign Court his title acquired under the law of the country of origin.

To meet this difficulty, the Convention framed last year adopted the principle that the mere fact of the author's name being placed on the work should be presumptive evidence of his title. We were, however, of opinion that this was not an entirely satisfactory mode, especially from an English point of view, and we therefore recommended to the Conference, first, that this matter should be left to be settled by the domestic law of each State; secondly, that the method proposed by the Royal Commission of 1878 should be adopted, viz., that "a copy of any entry in any foreign register, attested by any (British) Diplomatic or Consular Agent, should be *prima facie* evidence."

It was, however, pointed out that in Germany and Switzerland the formality of registration was no longer required by law, and that in regard to these countries no such certificate could therefore be obtained. Still, it seemed to us that it would be very undesirable to adopt in the Convention any stipulation which might imply an opinion that registration and deposit in the country of origin should be dispensed with; and to cover this point we eventually obtained, after much discussion, the insertion of the last paragraph of Article XI, which leaves to the respective Tribunals the right to require a certificate to the effect that the formalities prescribed by the law of the country of origin, whatever they may be, have been fulfilled.

4. *What may be the Subject of Copyright.*

We were disposed to think that the simplest plan would be to avoid any enumeration in this respect in Article IV of the draft Convention, but as this course presented certain difficulties, the list inserted in the Project of last year was maintained. We believe this to be within the limits of existing British law. In view of provisions in the laws of certain States, photographs and choregraphic works have not been expressly included in Article IV, but the mode in which works of these two kinds are to be treated is left to be decided by the law of each country, as specified in paragraphs 1 and 2 of the *Protocole de Clôture*.

5. *Translations.*

The most important point in the question of international copyright is to

determine for what period the exclusive right of translating an original work shall be secured to the author.

Three systems alone seem feasible:—

(a.) The complete assimilation of the exclusive right of translation to that of reproducing the original work; that is to say, the author shall be able to prevent the unauthorized translation of his work for the whole period during which his copyright in it subsists.

In favour of this system it is urged that in international transactions translation is in most cases practically the only form of reproduction; and that it therefore seems absurd to grant a certain specified period of protection abroad to the original work, if, in regard to the only available means of reproduction, viz., translation, the protection is limited to a much shorter period.

On the other hand, it is contended that such a complete reservation to the author of the right of translation is injurious to the public, as tending to deprive them of the benefit of translations which might be made, if the translating right were allowed sooner to fall into the public domain.

(b.) To limit the right of preventing the unauthorized translation to a certain number of years from the date of publication of the original work, on condition that an authorized translation shall appear within a certain fixed period.

On this system the existing British law gives the exclusive right of translation to the author of a foreign work for a period of five years from the publication of an authorized translation; but on condition that a part of such authorized translation must have appeared within one year from the date of registration in the United Kingdom, and the whole of it within three years from that date. The exclusive period thus extends in some cases to eight years from the date of publication.

The draft International Convention framed last year at Berne adopted the principle that the exclusive right should exist for a period of ten years from the date of the publication of an authorized translation, which, however, must have appeared complete within three years from the publication of the original work. On this principle the protection would in some cases extend to thirteen years from publication of the original work.

This is the system recommended by the British Royal Commission of 1878.

(c.) To limit the exclusive right of translation to a fixed number of years, absolutely, without the condition that an authorized translation must appear within any fixed period after the publication of the original work.

This system has certainly the merit of simplicity, and it may be claimed in its favour that the desire of the author to enjoy the longest period of protection will furnish him with sufficient inducement to publish a translation speedily, and thus to supply the public demand within a reasonable time.

The French Delegates insisted strongly on the adoption of the system (a), viz., that of complete assimilation; but although we are personally of opinion that this is the best and most logical plan, we were not prepared to support it as an essential condition to the accession of any State to the Union, and the French proposal when put to the vote was defeated by a small majority, on the ground that it would preclude the accession of many States at the present moment. Nearly all the Delegates, however, expressed themselves as theoretically in favour of the principle.

On the other hand, we proposed that no express term should be specified in the Convention, but that complete freedom should be left to the legislation of each country to protect translations in such manner as might best suit the circumstances of each State. This proposal, although it seemed to us extremely reasonable, as satisfying the requirements of all parties, was, however, defeated by a large majority, on the ground that it would be undesirable to admit into the Union any State which did not give the exclusive right of translation for at least ten years.

As a compromise between the conflicting opinions expressed on this point, the system (c) was eventually adopted unanimously, and the period of protection fixed at ten years, without any condition.

Article V of the draft Convention therefore stipulates that authors belonging to any State of the Union, or their legal representatives, shall enjoy in all the other States of the Union the exclusive right of translation for ten years from the date of the publication of the original work. In order to avoid difficulties as to the exact date of publication, it has been decided that the term of ten years shall commence from the end of the year wherein the publication takes place. And to make clear the question

of works appearing in small incomplete parts ("livraisons") a definition of this term has been inserted in the Report of the Drafting Committee on this Article.*

We believe that this is a very satisfactory solution of the matter. The period thus fixed only exceeds by two years the maximum now permitted by English law; whilst in some cases it may be less than that recommended by the Royal Commission. The interest of the public seems sufficiently guarded, whilst greater latitude is given to the author for making satisfactory and remunerative arrangements for the translation of his work.

6. *Copyright in Translations.*

The provisions on this head, which are contained in Article VI, are distinct from the exclusive right of translation. The intention is simply to extend to each particular translation the same protection as is granted to original works. This might, perhaps, have been more clearly expressed in the Article, but the text seems to be legally sufficient, and after much discussion in the Committee it was found difficult to agree upon a more satisfactory wording. No objection apparently exists to the principle, which is sanctioned by existing British law.

7. *The Right of republishing Newspaper Articles.*

Considerable difficulty was experienced in reconciling divergent opinions on this point, but Article VII appears to be on the whole satisfactory, it being explained in the Report of the Committee (p. 46 of Records), that, in those countries where the law requires it, the obligation to acknowledge the source whence the articles are derived may be maintained.

8. *The Right of making Extracts for Compilations, &c.*

We regarded the Article on this head which appeared in the draft Project of last year as being exceedingly dangerous, and providing a facile means for wholesale appropriation. We therefore proposed its omission, with the view to leaving the matter to be settled by the law of each State. We ultimately consented to the insertion of the existing Article VIII, which carries out our views on the subject.

9. *Dramatic and Musical Copyright, Adaptations, &c.*

No special remarks on these heads appear to be required. The Articles IX and X will speak for themselves, and the Report of the Drafting Committee furnishes all necessary explanations.

We may, however, draw attention to the mention, at p. 50 of the Records, of the question of dramatization of novels, which is a matter of much interest in England.†

10. *The Colonies.*

Upon our recommendation Article XIX was inserted, fixing a rule as to the accession of Colonies. Under the terms of this Article the acceding State may either include or exclude any of its Colonies at the time of accession, or may afterwards accede on their behalf.

11. *Separate Arrangements between Contracting States.*

Article XV reserves the right to any States, who may be in a position to grant more effectual protection to literary and artistic property than is granted by the International Convention, to enter into separate agreements with the object of extending such treatment to each other.

12.

Article XVI provides for the organization of a central office, under the superintendence of the Swiss Government.

The original proposal was that the expenses of this office should be defrayed by the States of the Union in the proportion of their respective populations.

This proposal, however, appeared open to objection on the part of Great Britain,

* "The term 'livraison' means a portion of a work appearing in successive parts, and which does not in itself form a separate publication, but is so indissolubly connected with the rest of the work, whether by the paging, or by its typographical entirety, that the omission of a single 'livraison' would render the whole work incomplete and defective."

† "It was agreed that the species of indirect appropriation known under the name of 'dramatization' may, according to circumstances, be considered as constituting an indirect illicit reproduction."

since, if she were to accede on behalf of herself and her Colonies, a very considerable share of the expenses might thus fall upon her. The principle actually adopted, viz., the division into classes, is that already agreed to by the Treasury in the case of the Convention of 1883 for the Protection of Industrial Property. The sum annually required for the International Office is not to exceed 60,000 fr., but this limit has been fixed on the understanding that a less sum will be asked for, if less is found to suffice.

13. *The United States.*

Conformably to your Lordship's instructions, we have given special attention to the bearing which the draft Convention might have upon any negotiations between Great Britain and the United States.

The American Minister at Berne attended the sittings of the Conference in a consultative capacity, but did not take any part in the proceedings, nor vote on any question. We beg, however, to draw your Lordship's especial attention to the very important statement made by him at the fifth meeting of the Plenary Conference. In this statement Mr. Winchester, after explaining the nature of his functions as United States' Delegate, made the following declaration on behalf of his Government:—

“I believe that the United States' Government is kindly disposed in principle towards the proposition that the author of a literary or artistic work, whatever be his nationality and whatever the place of reproduction, should be everywhere protected on the same footing as the citizens and subjects of each nation.”

In view of this statement, we do not think that there can be any ground for the apprehension which has been expressed in some quarters, that an immediate amendment of English law, with the view to the entry of Great Britain into the projected Union, would have a prejudicial effect in regard to any copyright negotiations with the United States.

In fact, from the friendly interest in the objects of the Conference which has been expressed by the United States' Delegate, we are justified in anticipating that when once the Union has been formed, and has been acceded to by the more important European countries, the United States will before long feel it difficult to abstain from becoming a party to it also. But if this hope should not be shortly realized, we submit that a moderate and well-considered amendment of English law would furnish an additional incentive to the United States to conclude a separate Copyright Convention with Great Britain; the negotiation of which would be greatly facilitated by placing the British Statutes on a more intelligible basis, and by removing restrictions and formalities which are inconsistent with modern views, and with the general practice of the civilized world.

Recommendations.

Having thus given an outline of the results of the Berne Copyright Conference of 1885, we venture to submit the following recommendations as to the action which might be taken by Her Majesty's Government in the matter:—

The British Royal Commission of 1878 reported that the form of the existing Copyright Law is bad, that it is “wholly destitute of any sort of arrangement, incomplete, often obscure, and even where it is intelligible upon long study, it is in many parts so ill-expressed that no one who does not give such study can expect to understand it.” The Commissioners proceeded to state that one of their most important recommendations was, that the law should be reduced by codification to an intelligible and systematic form, with such amendments in the substance as might be required.

We venture respectfully to express our entire concurrence in this recommendation, and we desire to urge the importance of taking the present opportunity of effecting this much-needed legislative reform:

The principles we desire to suggest for such legislation may be shortly stated as follows:—

The repeal of the whole of the existing Statutes, and the enactment of a simple and perspicuous measure embracing the following points:—

(a.) The duration of copyright for all kinds of literary and artistic property to be uniformly fixed at the life of the author and thirty years after his death.

(b.) Registration and deposit of works published in the United Kingdom to be maintained.

(c.) Registration and deposit of foreign works in the United Kingdom to be abandoned.

(d.) The right to translate, dramatize, or abridge to be reserved exclusively to the author for the whole time of copyright in the original work.

(e.) Power reserved to Her Majesty by Order in Council to conclude Copyright Conventions with any foreign Power which may give such copyright protection to British subjects as may appear satisfactory to Her Majesty.

We venture to recommend to your Lordship's attention a draft scheme prepared by Mr. F. R. Daldy, which is designed to embrace the above points, and which would, we think, form a very convenient basis for a Bill to be prepared by the Government draftsman. (See Inclosure in No. 39, p. 38.)

It may be observed that if our suggestions in regard to the right of translation should be thought to go too far, the reservation to the author of the exclusive right of translation for a period of ten years from the date of publication would suffice to meet the requirements of the International Convention. This period was, however, fixed as a minimum, and was not designed to impede the progress of legislation on a more liberal basis.

If, however, Her Majesty's Government should not think proper to undertake the complete reform of British Copyright Law which we suggest, it might be possible to allow Great Britain to enter the Union by a simple amendment of the existing International Copyright Acts, 7 & 8 Vict., cap. 12, and 15 & 16 Vict., cap. 12.

All the sections in these Acts which relate to registration and deposit of foreign works, and to the right of translation, would require to be amended. Provision must be inserted in the amending Act to meet the stipulations of Articles II, III, and IX of the draft Convention; and the wording of section 14 of the Act 7 & 8 Vict., cap. 12, would perhaps require alteration as to the grounds on which an Order in Council can be issued.

Although we have thought it right to indicate the nature of the amendments in the existing law which would, we believe, enable Great Britain to join the Union, we cannot conceal from your Lordship our opinion that such a mode of proceeding would be far from satisfactory.

It would leave untouched the grievances in the domestic law now complained of by British owners of copyright property, and the anomalies apparent in regard to colonial copyright. British Copyright Law would still remain to the foreigner a sealed book, and even with the most careful amendment, some portions of it might be found to conflict with the International Convention.

On these grounds, therefore, we beg, in conclusion, to urge upon the serious consideration of Her Majesty's Government the importance of a complete codification and amendment of Copyright Law, which, if carried out during the course of the next Session, would enable Her Majesty's Government to become one of the original Signatory Powers of the Convention for the creation of an International Copyright Union.

We have, &c.
(Signed) F. O. ADAMS.
J. H. G. BERGNE.

Inclosure 2 in No. 58.

Procès-verbal Final de la Deuxième Conférence Internationale pour la Protection des Œuvres Littéraires et Artistiques.

LES Soussignés, Délégués des Gouvernements de l'Allemagne, de l'Espagne, de la France, de la Grande-Bretagne, d'Haïti, du Honduras, de l'Italie, des Pays-Bas, de la Suède et de la Norvège, de la Suisse, de la Tunisie, chargés de prendre part à la deuxième Conférence Internationale pour la protection des œuvres littéraires et artistiques, qui s'est réunie à Berne le 7 Septembre, 1885, ayant terminé leurs travaux, soumettent aux Gouvernements des pays représentés par eux le projet de Convention, avec Article Additionnel et Protocole de Clôture, dont la teneur suit:—

I.—*Convention concernant la création d'une Union Internationale pour la Protection des Œuvres Littéraires et Artistiques.*

[Énumération des Hautes Parties Contractantes.]

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

339

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

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 des auteurs sur leurs œuvres littéraires et artistiques.

ARTICLE II.

Les auteurs ressortissant à l'un des pays de l'Union, ou leurs ayants cause, jouissent dans les autres pays pour leurs œuvres soit publiées dans un de ces pays, soit non publiées, des droits que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux.

La jouissance de ces droits est subordonnée à l'accomplissement des conditions et formalités prescrites par la législation du pays d'origine de l'œuvre; elle ne peut excéder dans les autres pays la durée de la protection accordée dans le dit pays d'origine.

Est considéré comme pays d'origine de l'œuvre, celui de la première publication, ou, si cette publication a lieu simultanément dans plusieurs pays de l'Union, celui d'entre eux dont la législation accorde la durée de protection la plus courte.

Pour les œuvres non publiées le pays auquel appartient l'auteur est considéré comme pays d'origine de l'œuvre.

ARTICLE III.

Les stipulations de la présente Convention 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 et 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 auteurs ressortissant à l'un des pays de l'Union, ou leurs ayants cause, jouissent, dans les autres pays, du droit exclusif de faire ou d'autoriser la traduction de leurs ouvrages jusqu'à l'expiration de dix années à partir de la publication de l'œuvre originale dans l'un des pays de l'Union.

Pour les ouvrages publiés par livraisons, le délai de dix années ne compte qu'à dater de la publication de la dernière livraison de l'œuvre originale.

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 est, en ce qui concerne le délai de dix années, considéré comme ouvrage séparé.

Dans les cas prévus au présent Article, est admis comme date de publication, pour le calcul des délais de protection, le 31 Décembre de l'année dans laquelle l'ouvrage a été publié.

ARTICLE VI.

Les traductions licites sont protégées comme des ouvrages originaux. Elles jouissent, en conséquence, de la protection stipulée aux Articles II et III en ce qui concerne leur reproduction non autorisée dans les pays de l'Union.

Il est entendu que, s'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.