

ARTICLE VII.

Les articles de journaux ou de recueils périodiques publiés dans l'un des pays de l'Union peuvent être reproduits, en original ou en traduction, à moins que les auteurs ou éditeurs ne l'aient expressément interdit. Pour les recueils, il peut suffire que l'interdiction soit faite d'une manière générale en tête de chaque numéro du recueil.

En aucun cas, cette interdiction ne peut s'appliquer aux articles de discussion politique ou à la reproduction des nouvelles du jour et des *faits divers*.

ARTICLE VIII.

En ce qui concerne la faculté de faire licitement des emprunts à des œuvres littéraires ou artistiques pour des publications destinées à l'enseignement ou ayant un caractère scientifique, ou pour des chrestomathies, est réservé l'effet de la législation des pays de l'Union et des arrangements particuliers existants ou à conclure entre eux.

ARTICLE IX.

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

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

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

ARTICLE X.

Sont spécialement comprises parmi les reproductions illicites auxquelles s'applique la présente Convention, les appropriations indirectes non autorisées d'un ouvrage littéraire ou artistique, désignées sous des noms divers, tels que : *adaptations, arrangements de musique, &c.*, lorsqu'elles ne sont que la reproduction d'un tel ouvrage, dans la même forme ou sous une autre forme, avec des changements, additions ou retranchements, non essentiels, sans présenter d'ailleurs le caractère d'une nouvelle œuvre originale.

Il est entendu que, dans l'application du présent Article, les Tribunaux des divers pays de l'Union tiendront compte, s'il y a lieu, des réserves de leurs lois respectives.

ARTICLE XI.

Pour que les auteurs des ouvrages protégés par la présente Convention soient, jusqu'à preuve contraire, considérés comme tels et admis, en conséquence, devant les Tribunaux des divers pays de l'Union à exercer des poursuites contre les contrefaçons, il suffit que leur nom soit indiqué sur l'ouvrage en la manière usitée.

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

Il est entendu, toutefois, que les Tribunaux peuvent exiger, le cas échéant, la production d'un certificat délivré par l'autorité compétente, constatant que les formalités prescrites, dans le sens de l'Article II, par la législation du pays d'origine, ont été remplies.

ARTICLE XII.

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

La saisie a lieu conformément à la législation intérieure de chaque pays.

ARTICLE XIII.

Il est entendu que les dispositions de la présente Convention ne peuvent porter préjudice, en quoi que ce soit, au droit qui appartient au Gouvernement de chacun des pays de l'Union de permettre, de surveiller, d'interdire, par des mesures de légis-

lation ou de police intérieure, la circulation, la représentation, l'exposition de tout ouvrage ou production à l'égard desquels l'autorité compétente aurait à exercer ce droit.

ARTICLE XIV.

La présente Convention, sous les réserves et conditions à déterminer d'un commun accord, s'applique à toutes les œuvres qui, au moment de son entrée en vigueur, ne sont pas encore tombées dans le domaine public dans leurs pays d'origine.

ARTICLE XV.

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

ARTICLE XVI.

Un office international est institué sous le nom de "Bureau de l'Union Internationale pour la Protection des Œuvres Littéraires et Artistiques."

Ce Bureau, dont les frais sont supportés par les Administrations de tous les pays de l'Union, est placé sous la haute autorité de l'Administration Supérieure de la Confédération Suisse, et fonctionne sous sa surveillance. Les attributions en sont déterminées d'un commun accord entre les pays de l'Union.

ARTICLE XVII.

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

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

Il est entendu qu'aucun changement à la présente Convention ne sera valable pour l'Union que moyennant l'assentiment unanime des pays qui la composent.

ARTICLE XVIII.

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

Cette accession sera notifiée par écrit au Gouvernement de la Confédération Suisse, et par celui-ci à tous les autres.

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

ARTICLE XIX.

Les pays accédant à la présente Convention ont aussi le droit d'y accéder en tout temps pour leurs Colonies ou possessions étrangères.

Ils peuvent, à cet effet, soit faire une Déclaration générale par laquelle toutes leurs Colonies ou possessions sont comprises dans l'accession, soit nommer expressément celles qui y sont comprises, soit se borner à indiquer celles qui en sont exclues.

ARTICLE XX.

La présente Convention sera mise à exécution trois mois après l'échange des ratifications, et demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en aura été faite.

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

ARTICLE XXI.

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

En foi de quoi, &c.

Fait à _____, le _____

II.—*Article Additionnel.*

Les Plénipotentiaires réunis pour signer la Convention concernant la création d'une Union Internationale pour la protection des œuvres littéraires et artistiques, sont convenus de l'Article Additionnel suivant, qui sera ratifié en même temps que l'acte auquel il se rapporte :

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

En foi de quoi, &c.

Fait à _____, le _____

III.—*Protocole de Clôture.*

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

1. Au sujet de l'Article IV, il est convenu que ceux des pays de l'Union où le caractère d'œuvres artistiques n'est pas refusé aux œuvres photographiques s'engagent à les admettre, à partir de la mise en vigueur de la Convention conclue en date de ce jour, au bénéfice de ses dispositions. Il ne sont, d'ailleurs, tenus de protéger les auteurs des dites œuvres, sauf les arrangements internationaux existants ou à conclure, que dans la mesure où leur législation permet de le faire.

Il est entendu que la photographie autorisée d'une œuvre d'art protégée jouit, dans tous les pays de l'Union, de la protection légale, au sens de la dite Convention, aussi longtemps que dure le droit principal de reproduction de cette œuvre même, et dans les limites des conventions privées entre les ayants droit.

2. Au sujet de l'Article IX, il est convenu que ceux des pays de l'Union dont la législation comprend implicitement, parmi les œuvres dramatico-musicales, les œuvres chorégraphiques, admettent expressément les dites œuvres au bénéfice des dispositions de la Convention conclue en date de ce jour.

Il est, d'ailleurs, entendu que les contestations qui s'élèveraient sur l'application de cette clause demeurent réservées à l'appréciation des Tribunaux respectifs.

3. Il est entendu que la fabrication et la vente des instruments servant à reproduire mécaniquement des airs de musique empruntés au domaine privé ne sont pas considérées comme constituant le fait de contrefaçon musicale.

4. L'accord commun prévu à l'Article XIV de la Convention est déterminé ainsi qu'il suit :—

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

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

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

La langue officielle du Bureau International sera la langue Française.

Le Bureau International centralisera les renseignements de toute nature relatifs à la protection des droits des auteurs sur leurs œuvres littéraires et artistiques. Il les

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

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

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

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

Les dépenses du Bureau de l'Union Internationale seront supportées en commun par les pays contractants. Jusqu'à nouvelle décision, elles ne pourront pas dépasser la somme de 60,000 fr. par année. Cette somme pourra être augmentée au besoin par simple décision d'une des Conférences prévues à l'Article XVII.

Pour déterminer la part contributive de chacun des pays dans cette somme totale des frais, les pays contractants et ceux qui adhèreraient ultérieurement à l'Union seront divisés en six classes contribuant chacune dans la proportion d'un certain nombre d'unités, savoir :—

Première Classe	..	..	25 unités.
Deuxième „	..	..	20 „
Troisième „	..	..	15 „
Quatrième „	..	..	10 „
Cinquième „	..	..	5 „
Sixième „	..	..	3 „

Ces coefficients seront multipliés par le nombre des pays de chaque classe, et la somme des produits ainsi obtenus fournira le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donnera le montant de l'unité de dépense.

Chaque pays déclarera, au moment de son accession, dans laquelle des susdites classes il demande à être rangé.

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

6. La prochaine Conférence aura lieu à _____, en _____

7. Il est convenu que, pour l'échange des ratifications prévu à l'Article XXI, chaque Partie Contractante remettra un seul instrument, qui sera déposé, avec ceux des autres pays, aux archives du Gouvernement de la Confédération Suisse. Chaque partie recevra en retour un exemplaire du procès-verbal d'échange des ratifications, signé par les Plénipotentiaires qui y auront pris part.

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

En foi de quoi, &c.

Fait à _____ le _____

Les Délégués soussignés prient le Conseil Fédéral Suisse de vouloir bien faire les démarches nécessaires auprès des Gouvernements représentés à la Conférence, afin de les inviter à transformer, dans une Conférence diplomatique qui aurait lieu dans le délai d'une année, le projet ci-dessus en une Convention définitive.

Ils émettent en outre le vœu que ce projet soit, par les soins du Conseil Fédéral Suisse, également communiqué dans le même but aux Gouvernements des pays qui ne se sont point fait représenter à la Conférence.

En foi de quoi, les Délégués respectifs ont dressé le présent procès-verbal final et y ont apposé leurs signatures.

Fait à Berne, le 18 Septembre, 1885, en un seul exemplaire, qui sera déposé aux archives de la Confédération Suisse.

(Signé)

REICHARDT.
MEYER.
DAMBACH.
COMTE DE LA ALMINA.
MANUEL TAMAYO Y BAUS.
EMM. ARAGO.
LOUIS ULBACH.
RENÉ LAVOLLÉE.
L. RENAULT.
F. O. ADAMS.
J. H. G. BERGNE.
LOUIS JOSEPH JANVIER.
WEDER.
FÈ.
A. ENRICO ROSMINI.
REMIGIO TRINCHERI.
B. L. VERWEY.
ALF. LAGERHEIM.
F. BÆTZMANN.
L. RUCHONNET.
DROZ.
A. D'ORELLI.
L. RENAULT.

(Translation.)

Final Act of the Second International Conference for the Protection of Literary and Artistic Works.

THE Undersigned, Delegates of the Governments of Germany, Spain, France, Great Britain, Haïti, Honduras, Italy, the Netherlands, Sweden and Norway, Switzerland, and Tunis, empowered to take part in the second International Conference for the protection of literary and artistic works, which met at Berne the 7th September, 1885, having terminated their labours, submit to the Governments of the countries they represent the draft Convention, with Additional Article and Final Protocol, of which the following is the text :—

I.—*Convention concerning the creation of an International Union for the Protection of Literary and Artistic Works.*

[Enumeration of the High Contracting Parties.]

being equally animated by the desire to protect effectively, and in as uniform a manner as possible, the rights of authors over their literary and artistic works,

Have resolved to conclude a Convention to that effect, and have named for their Plenipotentiaries, that is to say :—

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

ARTICLE I.

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

ARTICLE II.

Authors of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws do now or may hereafter grant to natives.

The enjoyment of these rights is subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and cannot

exceed in the other countries the term of protection granted in the said country of origin.

The country of origin of the work is that in which the work is first published, or if such publication takes place simultaneously in several countries of the Union, that one of them in which the shortest term of protection is granted by law.

For unpublished works the country to which the author belongs is considered the country of origin of the work.

ARTICLE III.

The stipulations of the present Convention apply equally to the publishers of literary and artistic works published in one of the countries of the Union, but of which the authors belong to a country which is not a party to the Union.

ARTICLE IV.

The expression "literary and artistic works" comprehends books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of design, painting, sculpture, and engraving; lithographs, illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

ARTICLE V.

Authors of any of the countries of the Union, or their legal representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works until the expiration of ten years from the publication of the original work in one of the countries of the Union.

For works published in incomplete parts ("livraisons") the period of ten years commences from the date of publication of the last part of the original work.

For works composed of several volumes published at intervals, as well as for bulletins or collections ("cahiers") published by literary or scientific Societies, or by private persons, each volume, bulletin, or collection is, with regard to the period of ten years, considered as a separate work.

In the cases provided for by the present Article, and for the calculation of the period of protection, the 31st December of the year in which the work was published is admitted as the date of publication.

ARTICLE VI.

Authorized translations are protected as original works. They consequently enjoy the protection stipulated in Articles II and III as regards their unauthorized reproduction in the countries of the Union.

It is understood that, in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

ARTICLE VII.

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation, unless the authors or publishers have expressly forbidden it. For periodicals it is sufficient if the prohibition is made in a general manner at the beginning of each number of the periodical.

This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of news of the day or *current topics*.

ARTICLE VIII.

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational or scientific purposes, or for chrestomathies, the matter is to be decided by the legislation of the different countries of the Union, or by special arrangements existing or to be concluded between them.

ARTICLE IX.

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

Authors of dramatic or dramatico-musical works, or their legal representatives, are, during the existence of their exclusive right of translation, equally protected against the unauthorized public representation of translations of their works.

The stipulations of Article II apply equally to the public performance of unpublished musical works, or of published works in which the author has expressly declared on the title-page or commencement of the work that he forbids the public performance.

ARTICLE X.

Unauthorized indirect appropriations of a literary or artistic work, of various kinds such as *adaptations, arrangements of music, &c.*, are specially included amongst the illicit reproductions to which the present Convention applies, when they are only the reproduction of a particular work, in the same form, or in another form, with non-essential alterations, additions, or abridgments, so made as not to confer the character of a new original work.

It is agreed that, in the application of the present Article, the Tribunals of the various countries of the Union will, if there is occasion, conform themselves to the provisions of their respective laws.

ARTICLE XI.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the Courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the legal representative of the anonymous or pseudonymous author.

It is, nevertheless, agreed that the Tribunals may, if necessary, require the production of a certificate from the competent authority to the effect that the formalities prescribed by law in the country of origin have been accomplished, as contemplated in Article II.

ARTICLE XII.

Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection.

The seizure shall take place conformably to the domestic law of each State.

ARTICLE XIII.

It is understood that the provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

ARTICLE XIV.

Under the reserves and conditions to be determined by common agreement,* the present Convention applies to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin.

ARTICLE XV.

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into separate and particular arrangements between each other, provided always that such arrangements confer upon authors or their legal representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

* See paragraph 4 of Final Protocol, p. 66.

ARTICLE XVI.

An international office is established, under the name of "Office of the International Union for the Protection of Literary and Artistic Works."

This Office, of which the expenses will be borne by the Administrations of all the countries of the Union, is placed under the high authority of the Superior Administration of the Swiss Confederation, and works under its direction. The functions of this Office are determined by common accord between the countries of the Union.

ARTICLE XVII.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Questions of this kind, as well as those which are of interest to the Union in other respects, will be considered in Conferences to be held successively in the countries of the Union by Delegates of the said countries.

It is understood that no alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

ARTICLE XVIII.

Countries which have not become parties to the present Convention, and which grant by their domestic law the protection of rights secured by this Convention, shall be admitted to accede thereto on request to that effect.

Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention.

ARTICLE XIX.

Countries acceding to the present Convention shall also have the right to accede thereto at any time for their Colonies or foreign possessions.

They may do this either by a general declaration comprehending all their Colonies or possessions within the accession, or by specially naming those comprised therein, or by simply indicating those which are excluded.

ARTICLE XX.

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

Such denunciation shall be made to the Government authorized to receive accessions, and shall only be effective as regards the country making it, the Convention remaining in full force and effect for the other countries of the Union.

ARTICLE XXI.

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

In witness whereof, &c.

Done at _____, the _____

 II.—*Additional Article.*

The Plenipotentiaries assembled to sign the Convention concerning the creation of an International Union for the protection of literary and artistic works have agreed upon the following Additional Article, which shall be ratified together with the Convention to which it relates:—

The Convention concluded this day in no wise affects the maintenance of existing Conventions between the Contracting States, provided always that such Conventions confer on authors, or their legal representatives, rights more extended than those secured by the Union, or contain other stipulations which are not contrary to the said Convention.

In witness whereof, &c.

Done at _____, the _____

III.—*Final Protocol.*

In proceeding to the signature of the Convention concluded this day, the undersigned Plenipotentiaries have declared and stipulated as follows :—

1. As regards Article IV, it is agreed that those countries of the Union where the character of artistic works is not refused to photographs, engage to admit them to the benefits of the Convention concluded to-day, from the date of its coming into effect. They are, however, not bound to protect the authors of such works further than is permitted by their own legislation, except in the case of international engagements already existing, or which may hereafter be entered into by them.

It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the said Convention, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private arrangements between those who have legal rights.

2. As regards Article IX, it is agreed that those countries of the Union whose legislation implicitly includes choregraphic works amongst dramatico-musical works, expressly admit the former works to the benefits of the Convention concluded this day.

It is, however, understood that questions which may arise on the application of this clause shall rest within the competence of the respective Tribunals to decide.

3. It is understood that the manufacture and sale of instruments for the mechanical reproduction of musical airs which are copyright, shall not be considered as constituting an infringement of musical copyright.

4. The common agreement alluded to in Article XIV of the Convention is established as follows :—

The application of the Convention to works which have not fallen into the public domain at the time when it comes into force, shall operate according to the stipulations on this head which may be contained in special Conventions either existing or to be concluded.

In the absence of such stipulations between any countries of the Union, the respective countries shall regulate, each for itself, by its domestic legislation, the manner in which the principle contained in Article XIV is to be applied.

5. The organization of the International Office established in virtue of Article XVI of the Convention shall be fixed by a Regulation which will be drawn up by the Government of the Swiss Confederation.

The official language of the International Office will be French.

The International Office will collect all kinds of information relative to the protection of the rights of authors over their literary and artistic works. It will arrange and publish such information. It will study questions of general utility likely to be of interest to the Union, and, by the aid of documents placed at its disposal by the different Administrations, will edit a periodical publication in the French language treating questions which concern the Union. The Governments of the countries of the Union reserve to themselves the faculty of authorizing, by common accord, the publication by the Office of an edition in one or more other languages if experience should show this to be requisite.

The International Office will always hold itself at the disposal of members of the Union, with the view to furnish them with any special information they may require relative to the protection of literary and artistic works.

The Administration of the country where a Conference is about to be held, will prepare the programme of the Conference with the assistance of the International Office.

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

The expenses of the Office of the International Union shall be shared by the Contracting States. Unless a fresh arrangement be made, they cannot exceed a sum of 60,000 fr. a-year. This sum may be increased by the decision of one of the Conferences provided for in Article XVII.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding States into six classes, each of which shall contribute in the proportion of a certain number of units, viz. :—

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First Class	25 units.
Second „	20 „
Third „	15 „
Fourth „	10 „
Fifth „	5 „
Sixth „	3 „

These coefficients will be multiplied by the numbers of States of each class, and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unity of expense.

Each State will declare at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the Budget of the Office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

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

7. It is agreed that, as regards the exchange of ratifications contemplated in Article XXI, each Contracting Party shall give a single instrument, which shall be deposited, with those of the other States, in the Government archives of the Swiss Confederation. Each party shall receive in exchange a copy of the *procès-verbal* of the exchange of ratifications, signed by the Plenipotentiaries present.

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

In witness whereof, &c.

Done at _____, the _____

The undersigned Delegates request the Swiss Federal Council to be so good as to take the necessary steps to invite the Governments represented at the Conference to transform the above project into a definitive Convention, at a diplomatic Conference to be held within the delay of one year.

They further suggest that the project should, with the same object, be also communicated by the Swiss Federal Council to the Governments of the countries not represented at the Conference.

In witness whereof, the respective Delegates have drawn up the present final *procès-verbal*, and have affixed thereto their signatures.

Done at Berne, the 18th September, 1885, in a single instrument, which shall be deposited in the archives of the Swiss Confederation.

(Signed) REICHARDT.
 MEYER.
 DAMBACH.
 COMTE DE LA ALMINA.
 MANUEL TAMAYO Y BAUS.
 EMM. ARAGO,
 LOUIS ULBACH.
 RENÉ LAVOLLÉE.
 L. RENAULT.
 F. O. ADAMS.
 J. H. G. BERGNE.
 LOUIS JOSEPH JANVIER.
 WEDER.
 FÈ.
 A. ENRICO ROSMINI.
 REMIGIO TRINCHERI.
 B. L. VERWEY.
 ALF. LAGERHEIM.
 F. BÆTZMANN.
 L. RUCHONNET.
 DROZ.
 A. D'ORELLI.
 L. RENAULT.

Sir J. Pauncefote to Sir T. Farrer.

Sir,

Foreign Office, October 19, 1885.

I AM directed by the Marquis of Salisbury to transmit to you, for the consideration of the Board of Trade, copy of a despatch from Her Majesty's Minister at Berne, relative to the recent International Copyright Conference held in that city.*

This despatch incloses the Report of the British Delegates, together with a printed copy of the proceedings of the Conference, and I am to state that Lord Salisbury proposes, with the concurrence of the Board of Trade, to approve the proceedings of the British Delegates as reported therein.

I am, &c.

(Signed) JULIAN PAUNCEFOTE.

No. 60.

Mr. Trevor to Sir J. Pauncefote.—(Received November 6.)

Sir,

Board of Trade, November 5, 1885.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 19th ultimo, transmitting copy of a despatch from Her Majesty's Minister at Berne, relative to the recent International Copyright Conference held in that city, together with printed copies of the proceedings of the Conference, and of the Report of the British Delegates.

In reply, I am to state that the Board of Trade concur in Lord Salisbury's proposal that the proceedings of the British Delegates should be approved.

I have, &c.

(Signed) C. CECIL TREVOR.

No. 61.

The Marquis of Salisbury to Mr. Adams.

Sir,

Foreign Office, November 11, 1885.

I HAVE received your despatch of the 28th September last, in which you inclose a Report by yourself and Mr. Bergne of your proceedings as British Delegates to the International Copyright Conference held at Berne this year.

I have referred that despatch to the Board of Trade, and I have now to acquaint you that the proceedings of the British Delegates as reported therein are approved by Her Majesty's Government.

I am, &c.

(Signed) SALISBURY.

No. 62.

M. Vernet to the Marquis of Salisbury.—(Received November 18.)

My Lord,

25, Old Broad Street, November 17, 1885.

I HAVE the honour to forward to your Lordship, together with a certain number of copies of the proceedings of the second International Copyright Conference, a Circular note from the Swiss Federal Council inviting the respective Governments to send their Representatives to a new Conference at Berne in September 1886 with a view to the Project of Convention then being transformed into a definite diplomatic act.

I am, &c.

(Signed) H. VERNET,
Agent and Consul-General for Switzerland.

Inclosure in No. 62.

The President of the Swiss Confederation to the Marquis of Salisbury.

Excellence,

Berne, le 6 Novembre, 1885.

ACCUEILLANT favorablement l'invitation que nous lui avons adressée en date du 24 Avril dernier, votre Excellence a bien voulu se faire représenter à la Conférence Diplomatique qui s'est réunie à Berne le 7 Septembre, pour arrêter le texte définitif de la Convention Internationale pour la protection des œuvres littéraires et artistiques.

Les pays représentés à cette Conférence étaient au nombre de seize, tandis que treize États seulement avaient pris part à la Conférence de l'année dernière. La présence de plusieurs délégations qui n'avaient pas assisté aux délibérations de la Conférence de 1884 a nécessité le remaniement de plusieurs Articles du projet, en vue de le mettre, autant que possible, en harmonie avec la législation de tous les pays représentés. Des laborieux travaux de la Conférence est sorti un nouveau Projet de Convention, dans lequel sont maintenues les dispositions essentielles du Projet de 1884, mais avec diverses modifications qui les rendent acceptables pour un plus grand nombre d'États.

Douze délégations sont tombés d'accord pour accepter un procès-verbal final dans lequel le Conseil Fédéral Suisse est prié de vouloir bien faire les démarches nécessaires auprès des Gouvernements représentés à la Conférence, afin de les inviter à transformer, dans une Conférence Diplomatique qui aurait lieu dans le délai d'une année, le Projet de Convention qui venait d'être élaboré en une Convention définitive.

Les quatre autres délégations n'étaient pas munies de pouvoirs suffisants pour signer le procès-verbal final. Ainsi qu'il ressort, toutefois, de l'appendice aux actes de la Conférence, une de ces délégations, après avoir reçu les pouvoirs nécessaires trop tard pour pouvoir signer le procès-verbal final, a déclaré l'accepter tel qu'il était sorti des délibérations de la Conférence.

Pour satisfaire au vœu exprimé dans ce document, 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 et le Rapport détaillé de la Commission sur les différentes rédactions en présence, les textes adoptés par les Délégués et recommandés par eux à l'examen de leurs Gouvernements, savoir :—

1. Convention concernant la création d'une Union Internationale pour la protection des œuvres littéraires et artistiques.
2. Article additionnel à cette Convention.
3. Protocole de Clôture.

Nous recommandons ces documents à l'examen bienveillant de votre Excellence, tout en appelant son attention sur le fait que, selon l'avis unanime de la Conférence, les textes adoptés par cette dernière ne peuvent plus faire l'objet d'amendements, et qu'il ne reste plus qu'à remplir l'espace laissé libre pour l'indication de l'époque et du lieu où se réunira la prochaine Conférence des Délégués de l'Union et à signer l'instrument définitif de la Convention. Nous aimons à croire que votre Excellence reconnaîtra l'utilité de la Convention projetée et que, lors de la constitution définitive de l'Union, les États représentés à la Conférence de 1885 se retrouveront au complet, leur nombre étant encore accru par celui des autres États qui tiendront à se joindre à cette œuvre de progrès.

Nous invitons donc votre Excellence à vouloir bien se faire représenter à une nouvelle Conférence qui se réunira à Berne, en Septembre 1886, pour signer la Convention, et nous la prions de munir son Délégué des pouvoirs nécessaires pour procéder à la signature de cet instrument diplomatique.

Nous serions reconnaissants à votre Excellence de vouloir bien nous faire connaître, dans le plus bref délai possible, si nous pouvons compter sur la participation de son Gouvernement à cette Conférence.

Nous saisissons, &c.

Au nom du Conseil Fédéral Suisse :

Pour le Président de la Confédération,

(Signé) WELTI.

Le Chancelier de la Confédération,

(Signé) RINGIER.

(Translation.)

Excellency,

Berne, November 6, 1885.

IN favourable response to the invitation which we addressed to you on the 24th April last, your Excellency was good enough to be represented at the Diplomatic Conference which met at Berne on the 7th September, with the object of drawing up the definitive text of the International Convention for the protection of literary and artistic works.

The countries represented at that Conference were sixteen in number, thirteen States only having taken part in the Conference of last year. The presence of several delegations, which did not assist in the deliberations of the Conference of 1884, led to the remodelling of many Articles of the Project, with the view to bring it as far as possible into harmony with the legislations of all the countries represented. The laborious work of the Conference resulted in a new draft Convention, in which the essential provisions of the Project of 1884 are maintained, but with various modifications which render them acceptable to a greater number of States.

Twelve delegations agreed upon a final *procès-verbal*, in which the Swiss Federal Council is requested to take the necessary steps with the view to invite the Governments represented at the Conference to transform, at a Diplomatic Conference to be held within a year's delay, the draft Convention which had been elaborated, into a definitive Convention.

The four other delegations were not in possession of full powers to sign the final *procès-verbal*. As appears, however, in the Appendix to the records of the Conference, one of these delegations, having received his full powers too late to sign the final *procès-verbal*, has declared his acceptance of it in the shape agreed upon, after deliberation, by the Conference.

In compliance with the desire expressed in this document, we have the honour to forward to your Excellency a certain number of copies of the records of the Conference, which contain, besides the Protocols of the sittings, and the detailed Report of the Commission upon the various draftings under consideration—the documents adopted by the Delegates, and recommended by them to the consideration of their Governments, viz. :—

1. Convention concerning the creation of an International Union for the protection of literary and artistic works.*
2. Additional Article to the said Convention.*
3. Final Protocol.*

We recommend these documents to the favourable consideration of your Excellency, requesting special attention to the fact that by the unanimous consent of the Conference, the texts now adopted thereat cannot be subjected to further amendment, and that it remains only to fill in the blank left for the indication of the time and place of the next Conference of the Delegates of the Union, and to sign the definitive Convention itself. We trust that your Excellency will recognize the utility of the projected Conference, and that in the actual constitution of the Union the States represented at the Conference of 1885 will all take part, and that their number may be increased by the accession of other States who may be disposed to join in this work of progress.

We therefore invite your Excellency to be represented at a fresh Conference to be held at Berne in September 1886 for the purpose of signing the Convention, and we hope that your Excellency's Delegate may be furnished with full powers for the signature of this diplomatic instrument.

We shall be glad if your Excellency will make known to us as soon as possible if we may count on the participation of Her Majesty's Government in this Conference.

We avail, &c.

In the name of the Swiss Federal Council :

For the President of the Confederation,

(Signed) WELTI.

The Chancellor of the Confederation,

(Signed) RINGIER.

* See Inclosure 2 in No. 58.

No. 63.

Sir J. Pauncefote to Sir T. Farrer.

Sir, *Foreign Office, November 28, 1885.*

I AM directed by the Marquis of Salisbury to transmit to you a copy of a note from the Swiss Agent and Consul-General in London,* inclosing an invitation from the Federal Council to Her Majesty's Government to authorize their Representative at Berne to sign next September on behalf of Her Majesty's Government the Convention for the Protection of Literary and Artistic Property, the draft of which was unanimously agreed to by the Delegates present at the Copyright Conference held this year.

The project having now assumed a final and definite shape, it will probably be signed next year by the Representatives of the most important European States, and it appears therefore to Lord Salisbury to be necessary to decide without loss of time the question, whether Great Britain should become one of the Signatory Parties to the International Copyright Union, and, if so, what steps it may be necessary to take for that purpose.

With this view, I am to request that the Board of Trade will favour his Lordship, as soon as convenient, with any observations which they may have to offer upon the recommendations made by the British Delegates in their Report dated the 25th September last, of which a copy was inclosed in my letter of the 19th ultimo, and generally with any suggestions which may occur to them in connection with the matter.

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

No. 64.

Sir J. Pauncefote to Sir T. Farrer.

Sir, *Foreign Office, December 3, 1885.*

I AM directed by the Marquis of Salisbury to transmit to you the proof of papers on the subject of Copyright, which his Lordship proposes to lay before Parliament at the commencement of next Session; and I am to request that the Board of Trade will inform his Lordship at their early convenience whether they have any observations to make thereon.

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

No. 65.

Mr. Calcraft to Sir J. Pauncefote.—(Received December 18.)

Sir, *Board of Trade, London, December 18, 1885.*

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 3rd instant, transmitting a proof of the papers on the subject of Copyright which Lord Salisbury proposes to lay before Parliament at the commencement of next Session.

In reply, I am to state, for the information of the Secretary of State, that the Board of Trade agree with his Lordship's proposal that the papers in question should now be made public.

I am further directed to state that the Board of Trade have very carefully considered the whole matter, and are strongly of opinion that the present opportunity should not be lost for putting the Copyright question on a more satisfactory footing, and that, as legislation is necessary to enable this country to become a party to the proposed International Copyright Union, the Board of Trade will be prepared to submit a Bill to Parliament embodying the necessary changes in the present Law.

The Board of Trade further consider that it is of such importance that foreign countries should be enabled clearly to understand what the Law of Copyright is in this country, that they think it will be most desirable, if the circumstances of the Session admit of it, to take the opportunity of codifying the present Copyright Law in the Bill which they hope to introduce into Parliament at an early date.

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

SWITZERLAND. No. 1 (1886).

CORRESPONDENCE respecting the Formation of an
International Copyright Union.

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

LONDON :
PRINTED BY HARRISON AND SONS.

FURTHER CORRESPONDENCE

RESPECTING THE FORMATION OF AN

INTERNATIONAL COPYRIGHT UNION.

[In continuation of "Switzerland No. 1 (1886)": C.—4606.]

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

LONDON:

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Further Correspondence respecting the Formation of an International Copyright Union.

[In continuation of "Switzerland No. 1 (1886)": C.—4606.]

No. 1.

Mr. Daldy to the Marquis of Salisbury.—(Received December 26.)

My Lord,

Aldine House, Belvedere, Kent, December 26, 1885.

I HAVE the honour to bring under your Lordship's notice a Memorial praying the Government to take such measures as you may think desirable to insure an amelioration of the Law of Copyright. It is signed by a few persons officially connected with Societies interested in the subject, on behalf of all the members, and therefore represents a considerable mass of literary opinion.

On behalf of the said Societies I beg respectfully to thank your Lordship for the practical steps you took to insure this country being adequately represented at the Berne Conference, and I hope your Lordship will not think it impertinent for me to add that, in the opinion of these Societies, founded on my Report to them on my return from Berne, Mr. Adams and Mr. Bergne most efficiently carried out their instructions, and with great skill and tact improved by their influence the draft Articles, so that they can now be regarded by all interested as most satisfactory. I have sent the original signatures to the Memorial, as well as a copy on which they are collected.

I have, &c.

(Signed) F. R. DALDY,

Honorary Secretary to the Copyright Association.

Inclosure in No. 1.

Memorial from Copyright Owners of Great Britain.

To the Right Honourable and Most Noble the Marquis of Salisbury, K.G., Prime Minister and Principal Secretary of State for Foreign Affairs.

My Lord,

WE, the Undersigned, respectfully ask your Lordship, as representing Her Majesty's Government, to undertake legislation on the subject of copyright, with a view to consolidate and amend the laws relating thereto in this country.

The subject has of late years engaged much attention, and a general consensus of opinion has been arrived at which, we think, will prevent such a measure occupying much time in its passage through Parliament. The defects of the present state of the law have been brought out by the Royal Commission initiated by the late Earl of Beaconsfield, and the principles adopted and recommendations made by that Commission for its improvement have been, with but few exceptions, very generally accepted by the literary and artistic portions of the community.

It is especially desirable that such a measure should be promoted at the present time, because the recent Conference on Copyright at Berne has matured a scheme for a general Copyright Union, which is likely very shortly to result in the denouncing of our existing Treaties relating thereto.

The present Law is embodied in no less than fifteen Acts of Parliament and various judicial decisions, and is, to quote the language of the Copyright Commission Report, "wholly destitute of any sort of arrangement, incomplete, often obscure, and so ill-expressed that no one who does not give long study to it can expect to understand it"

(see paragraph 7). Obscurity of style is, however, only one of the defects of these Acts; their arrangement is often worse than their style, and of this the Copyright Act of 1842 (the principal Act) is a conspicuous instance (see paragraph 9); these imperfections induced the Copyright Commission to recommend its consolidation as a work of paramount importance.

We think also that the offer to make publication in a British possession carry copyright co-extensive with the Empire, made to the Colonies by Her Majesty's Government in 1879, ought in justice to them to be realized without unnecessary delay; and, we may add, that the present state of the law has hitherto prevented some important Treaties being made which would be very desirable in the interests of literature and art.

Some legislation is absolutely necessary to enable this country to join in the said Copyright Union in September next, and our present request is that the new legislation should embrace the whole subject, and should place the law on a sound and intelligible footing; instead of legislating merely with special reference to that Union.

To promote this end, the Incorporated Society of Authors, the Copyright Association, and the Musical Copyright Association have laid before the Board of Trade a scheme for a Bill which deals with the subject in the manner they jointly think desirable; and they are also about to send to the same authorities a complete draft of a Bill embodying that scheme, so that the Board of Trade may have at any rate the materials at hand which will enable them to draw a Bill quickly which may secure your sanction and support.

We have received so much attention from the Departments of the Government most interested (Colonial Office, Foreign Office, and Board of Trade), that we refrain from troubling you with details, and merely inclose copies of the above-referred-to scheme for your information.*

We embrace this opportunity respectfully to thank your Lordship for allowing this country to be fittingly represented at the above-mentioned Conference; and your well-known interest in the subject will, we feel sure, insure due attention to it.

In conclusion, we earnestly hope that your Lordship may be able to benefit the press, and the art and musical and dramatic world, by undertaking to present a complete Bill on the subject to the attention of Parliament early in the Session about to commence.

(Signed) HENRY REEVE, C.B., D.C.L., *Editor of the "Edinburgh Review;"*
 WILLIAM SMITH, LL.D., *Editor of the "Quarterly Review;"*
 JOHN MURRAY, *Publisher;*
Members of the Committee of the Copyright Association,
who sign because the President, Lord Houghton, is
dead, and no successor has yet been elected.
 T. NORTON LONGMAN, *Publisher, Treasurer of the Copy-*
right Association.
 F. R. DALDY, *Honorary Secretary of ditto.*
 THOMAS CHAPPELL, *President, Music Publishers' Copy-*
right Association.
 EDWIN ASHDOWN, *Vice-President, ditto.*

No. 2.

Mr. Dalby to Mr. Bourke.—(Received December 26.)

Dear Sir,

Aldine House, Belvedere, Kent, December 26, 1885.

I HAVE the pleasure of sending you herewith the Copyright Owners' Memorial to Lord Salisbury, and I avail myself of this opportunity to thank you for the personal practical interest you have taken in the subject. Will you kindly bring the Memorial under his Lordship's notice at a fitting opportunity?

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

* See "Switzerland No. 1 (1886)," p. 38.

Sir J. Pauncefote to Mr. Daldy.

Sir,

Foreign Office, January 9, 1886.

I AM directed by the Marquis of Salisbury to acknowledge the receipt of your letter of the 26th ultimo, inclosing a Memorial praying that such steps may be taken by Her Majesty's Government as may seem desirable to insure an amelioration of the Law of Copyright; and I am to acquaint you, in reply, that Her Majesty's Government have decided to propose to Parliament legislation with the view to amend the existing Law, and to enable Great Britain to become a party to the proposed International Copyright Union.

I am to add that papers on this subject will be laid before Parliament at the commencement of the Session.

I am, &c.

(Signed)

JULIAN PAUNCEFOTE.

Sir J. Pauncefote to Sir R. Herbert. †*

Sir,

Foreign Office, March 4, 1886.

I AM directed by the Earl of Rosebery to transmit to you, to be laid before Earl Granville, copies of correspondence recently presented to Parliament respecting the formation of an International Copyright Union.‡

Her Majesty's Government have decided that it will be desirable for Great Britain to become one of the Signatory Parties of the draft Convention agreed to last year at the Berne Conference, and that for this purpose it will be best, in view of the exigencies of the present Session, to confine the necessary legislation to a simple amendment of existing Copyright Law, calculated to meet the terms of the Convention.

This amendment will be practically confined to the International Copyright Acts, 7 and 8 Vict., cap. 12, and 15 and 16 Vict., cap. 12, and the nature of the changes required will be apparent on a perusal of the Report of the British Delegates at p. 50 of the print.

Article XIX of the draft Convention (p. 65 of print) provides for the accession of the Colonies and foreign possessions of the Contracting States; and it is necessary, before deciding on the exact terms of the amending Act, to settle how the points which affect the British Colonies should be treated.

As the existing British Copyright Acts extend to all parts of Her Majesty's dominions, the Earl of Rosebery is disposed to think that many difficulties of detail would be avoided if, at the moment of signature of the Convention, a notification were made to the effect that the accession of Great Britain would comprehend all the Colonies and foreign possessions of Her Majesty. If the Amendment Act were now drafted with this view, the opportunity would be taken to remove an anomaly in the existing Law, by providing that first publication in any of the Colonies and foreign possessions of Her Majesty should give title to copyright throughout the British dominions, and consequently (when the International Convention is ratified) throughout the Copyright Union. Such legislation would meet the just complaint of the Colonies that, according to existing Imperial Law, first publication in the United Kingdom gives title to copyright in all British Colonies; whilst if such first publication takes place in a Colony, the title to copyright in the United Kingdom is irretrievably lost.

The proposed amendment of the Imperial Copyright Law, and the accession to the International Union of Great Britain on behalf of all British Colonies and possessions, would not preclude local colonial legislation where desirable, so far as such legislation should not conflict with the terms of the Imperial Acts or of the International Convention.

The month of September next has been fixed for the signature of the Convention, and it is indispensable that the necessary legislation should be initiated in Parliament immediately.

Lord Rosebery would, therefore, be glad to be informed, as soon as possible,

* Also to India Office, *mutatis mutandis*.

† Copy to Board of Trade.

‡ "Switzerland No. 1 (1886)."

whether Earl Granville concurs in the course proposed in this letter, and whether he agrees to a Bill being introduced and passed this Session in the terms indicated.

Lord Rosebery cannot anticipate that objection could arise in any British Colony to a proposal so entirely favourable to colonial interests, but in case it should be thought necessary to consult the Government of the Dominion of Canada or any of the Representative Colonies, his Lordship would suggest that the reference should be made by telegraph, pointing out the necessity for immediate action in the matter.

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

No. 5.

Sir U. K. Shuttleworth to Sir J. Pauncefote.—(Received March 18.)

Sir,

India Office, March 17, 1886.

WITH reference to your letter of the 4th instant on the subject of India joining in the proposed International Copyright Union, I am directed by the Earl of Kimberley to state, for the information of the Earl of Rosebery, that on the 10th instant the Government of India were asked by telegram whether they had any objection to India being included in the proposed Convention. An early reply by telegraph is expected, and will, on receipt, be at once communicated to Lord Rosebery.

In the meantime, a copy of your letter will be forwarded to the Government of India.

I have, &c.
(Signed) UGHTRED KAY SHUTTLEWORTH.

No. 6.

Sir U. K. Shuttleworth to Sir J. Pauncefote.—(Received March 25.)

Sir,

India Office, March 24, 1886.

IN continuation of my letter dated the 17th instant, I am directed by the Secretary of State for India in Council to intimate, for the information of the Earl of Rosebery, that a telegram has been received from the Governor-General of India, stating that there is no objection to the inclusion of India in any Copyright Convention which Her Majesty's Government may join. The Earl of Kimberley, however, thinks it desirable to defer a final decision in the matter until the Government of India shall have had an opportunity of seeing the Parliamentary Paper, "Switzerland No. 1 of 1886," and of considering the correspondence, a copy of which was dispatched by last week's mail.

The Governor-General will be asked to telegraph, with as little delay as possible, whether the Government, having the correspondence fully before it, consents to India joining in the proposed Convention.

I have, &c.
(Signed) UGHTRED KAY SHUTTLEWORTH.

No. 7.

Mr. Adams to the Earl of Rosebery.—(Received March 29.)

(Extract.)

Berne, March 26, 1886.

AFTER my return to Berne towards the close of last week I wrote to Federal Councillor Droz (who is this year Vice-President of the Confederation), requesting him to appoint a time when he could receive me to have some conversation on the Copyright question.

I was sorry to learn that he had been exceedingly indisposed, and was on the point of leaving Berne for several days.

Yesterday afternoon, however, I called upon him by appointment.

I began by recounting the progress made whilst I was in England. I said that several conferences had taken place at the Foreign Office, and that on the 16th instant (the day before my departure) there had been an important one, presided over by Mr. Bryce, at

which, besides Mr. Bergne and myself, representatives of the Colonial Office and the Board of Trade, Lord Houghton, Sir Charles Tupper on behalf of Canada, and Mr. Jenkyns, the Parliamentary Draftsman, were present. I could affirm that, although the clauses of a Bill treating especially the international side of the question were not entirely settled, there seemed good hope that they soon would be, and I trusted that it would be possible to introduce the Bill into Parliament before Easter.

M. Droz expressed himself highly gratified with this communication, and he reiterated what he had already expressed to me in writing when I was in London, that some of the principal States of Europe were looking particularly to the action of Great Britain, whose probable adhesion to the Union would be of much weight with them.

I asked him whether any official answers had been sent from different Governments expressing their determination to join the Convention.

He answered that, from having been absent for some time, he could not speak positively, especially as such communications were first received by the Federal Chancery, but he would inquire. He, however, instanced France, Germany, Italy, and Belgium among the countries from which he had received very favourable accounts.

No. 8.

Mr. Bryce to Mr. Bramston. †*

My dear Mr. Bramston,

Foreign Office, April 8, 1886.

IT seems desirable to convey to your Office, for the information of the colonial authorities and Agents-General, the reasons which have led to the introduction of the International and Colonial Copyright Bill in its present form.

The Memorandum herewith inclosed so clearly explains the objects and legal effect of the measure, that I need only advert shortly to what may be called its policy.

Her Majesty was represented at the International Conferences held at Berne in 1884 and 1885 for the establishment of an International Copyright Union, and it now becomes important, in view of declarations made by the late and present Government, that the Convention should be signed next September, so as to bring Her dominions within the union.

When the Bill necessary to enable Her Majesty to do this was being prepared, the question arose, for which of Her colonial and Indian possessions should She enter the union? They are all included in the existing Copyright Treaties, and it was therefore thought proper to give them the opportunity of entering, and thereby securing protection for their own authors. In case, however, any Colony should prefer to be excepted from the Convention, it is proposed to permit it to stand aloof, and clause 9 has been drawn to enable it to do so if so minded, while clause 10 would give the means of its retiring at any later time.

The question next arose, whether it was not desirable to take this opportunity of dealing with copyright as between different parts of Her Majesty's dominions. It appeared inconsistent to create reciprocal rights between Great Britain and foreign countries, and not to provide for such rights as between different Colonies; and it was thought important to remedy at once an injustice in the law which had long been complained of, viz., that which denies copyright in the United Kingdom to an author who first publishes his book in a Colony, while allowing it throughout the whole British Empire to an author who first publishes in the United Kingdom.

This suggested the framing of clause 8 (sub-sections 1 and 2), which gives to the author of a book first produced anywhere in the Queen's dominions copyright throughout the whole Empire, and which will therefore prevent the growth of any inter-colonial piracy, whereby an author publishing in one Colony might be deprived by a publisher in the United Kingdom or some other Colony of the reasonable reward of his labours.

Another part of this clause (sub-section 3), however, enables special provision to be made for the case of a Colony which has already legislated on copyright; and the last part (sub-section 4) secures to a Colony the right of legislating for the copyright within its own limits of books first published therein.

It has been suggested that possibly some Colonies might prefer to have the now subsisting Imperial Copyright (*i.e.*, the Acts which give a British author copyright in the Colonies as well as in the United Kingdom) repealed, so that every Colony should,

* A similar letter was addressed to the India Office.

† Copy to Board of Trade, April 9, 1886.

as respects copyright, be in the position of a foreign State towards the mother country and all sister Colonies.

Whether this would be the wish of any Colony we do not know. It seems rather opposed to the tendency, which has happily grown stronger of late years, for every part of the English-speaking race to draw closer to every other part. But in any case, such a change in the law could not now be made. Both Parliament and public opinion would refuse to extinguish the existing copyright rights of British authors.

As the policy of the earlier part of the Bill is to enlarge the area of protection of literary property as between different independent States, it would be a contradiction to proceed in the latter part to narrow this area and destroy literary property which already exists; and such a course would be in direct opposition to the claim Britain has so often urged on the United States, that there should be reciprocal copyright between the two countries. We should have cut the ground from under our feet as regards all further appeals to the honesty and good feeling of the Americans if we suggested to India or the Colonies to do the very thing which British authors complain of America for permitting.

Finally, it would be denying to a colonial author Imperial copyright, and would perpetuate what we hold to be not only a present injustice to those authors, but an injustice calculated to stunt and cripple the growth of colonial literature.

Nothing, however, could be further from our wishes than to go beyond the will and mind of the Colonies themselves in this matter. We suggest clause 8, because we have been led to believe that most, if not all, the Colonies would desire it; but we suggest it subject to the qualification in sub-sections 3 and 4, which reserves the validity of existing colonial legislation, and continues whatever power of copyright legislation within their own limits they now possess. And we have prepared a clause to be inserted, if desired, in Committee upon the Bill, by which any Colony wishing to stand out of the Act altogether and to forego the benefit offered to its own authors of Imperial copyright can do so. Such a Colony will, in that case, remain under the provisions of the existing law. This proposed clause will be found at the end of the Memorandum.

It is therefore hoped that the various Colonies and India will cordially accept the provisions of the present Bill, which have been drafted with the utmost desire to meet what we believe to be their requirements and wishes, and to secure their co-operation. But in case India or any Colony should wish to stand aloof and be excepted either from joining the International Copyright Union, or from the provisions for giving colonial authors copyright in the United Kingdom and in the Colonies, its wishes will be duly complied with.

The questions which I would suggest might be put to each Colony are the following:—

1. Does it desire to enter the International Copyright Union or not?
2. Does it approve of the provisions of clause 8, sub-sections 1 and 2, for giving to books first published in a Colony copyright throughout the Empire?
3. Does it desire the retention of sub-section 4 of clause 8, providing for legislation by a Colony on copyright within its own limits?
4. Does it desire the addition of the clause at the end of the Memorandum, or does it prefer the Bill as it now stands?

Heartily acknowledging the valuable co-operation and assistance which, as Chairman of the Committee on this matter, I have received from you and Mr. Osborne Morgan, and the Agents-General for the Colonies, I am, &c.

(Signed) J. BRYCE.

Inclosure in No. 8.

Memorandum by Mr. Jenkyns as to Colonies.

THE Imperial Copyright Acts at present give to authors of books first produced in the United Kingdom copyright throughout the Empire, but do not give that copyright to authors of books first produced in a Colony.

The Imperial Acts relating to international copyright give to authors of books first produced in a country with which the Queen makes a Copyright Treaty the same rights throughout the Empire as the authors of books first produced in the United Kingdom.

The result of the above Acts, therefore, is that if a book is first produced in a Colony, the author of it is in a worse position, not only than he would be if his book were first produced in the United Kingdom, but also than he would be if his book were first produced in a foreign country with which a Treaty has been made. In fact, he has no copyright outside the limits of the Colony.

This grievance, which has been long recognized, cannot be removed by colonial legislation, as the Legislature of a Colony, though able to give copyright in the Colony for books first produced in that Colony, cannot interfere with the copyright granted under the Imperial Acts to books first produced in the United Kingdom or in a foreign country with which a Treaty exists.

In respect of copyright, India is in the same position as any of the Colonies, and throughout this Memorandum it must be recollected that although Colonies only are referred to, the remarks are intended to apply also to India as a most important part of the British Empire.

In September 1885 the Queen was represented at an International Conference at Berne, assembled with the view of amending the present arrangements respecting international copyright, and a draft Convention was then agreed to, which it is proposed to sign in September next. Berne International Conference and Convention.

The principle adopted in that Convention was, that the countries which joined the Convention should form a Copyright Union, and that the author of a book first produced in one country of the union should have throughout each of the other countries of the union, without any registration or other formality there, the same right of copyright as if the book had been there produced.

But the term of copyright so obtained in another country was not to exceed the term allowed by the law of the country in which the book was first produced.

The other matters regulated by the Convention may for the present purpose be disregarded.

The Convention reserves power to the Queen to accede to it on behalf of all or any of the Colonies.

A Bill has been introduced for the purpose of making such alterations in the Imperial Acts as will enable the Queen to accede to the Convention, and it is proposed to take this opportunity of removing the present injustice to the Colonies which is above mentioned. Copyright Bill.

Two questions arise:—

First, as respects British Imperial copyright, *i.e.*, the rights of authors of books first produced in any part of the British Empire.

Secondly, international copyright, *i.e.*, the rights in the Queen's dominions of authors of books first produced elsewhere, and the right in foreign countries of authors of books first produced in the Queen's dominions.

As regards the first question, namely, British Imperial copyright, it seems obviously unnecessary to dwell on the advantages of making the Empire one for the purposes of copyright. Indeed, any other system seems to lead to what may be termed inter-colonial piracy, and would tend to create as between the Colonies the same difficulties which the Berne Conference has sought to remove as between all civilized States. First question, municipal copyright.

The Bill, as introduced, deals (clauses 8 and 9) with copyright as an Imperial question, by providing that colonial authors shall have the same rights as English authors under the Imperial Copyright Acts, with the exception that books first produced in a Colony need only be registered according to the colonial law, and need not be delivered to English libraries.

The effect of this provision will be not only to give colonial authors full rights throughout the whole British Empire, but also to make the Law of Copyright uniform throughout the Empire, as the Berne Conference desired to do for all civilized States.

At the same time, the Bill (by the last sub-Section of clause 8) preserves to each Colony its present power of legislating for the copyright, within the limits of the Colony, of books produced there; but any such legislation will not, any more than at present, affect the copyright in the Colony of books first produced in the United Kingdom, and also will not affect books first produced in other Colonies. If the Colonies do not desire to retain the power of legislation on copyright as above indicated, the sub-Section might be omitted.

If any Colony prefers to stand out and to forego the benefits offered by the present Bill, the clause printed at the end of this Memorandum might be inserted in the Bill to allow of such exception. The effect would be that the British Empire would be one for the purposes of copyright with the exception of any Colony or Colonies which desired so to stand out, and these Colonies would then remain in their present legal position.

The Bill, however, contains a saving for existing colonial laws, and enables the Queen to modify the application of the British Copyright Acts so as to provide for the cases of such laws.

The second question which arises upon the Bill as regards the Colonies relates to the application of the International Copyright Acts to the Colonies. Second question, International Copyright.

The Bill (clause 9) proposes that the International Copyright Acts and the Berne

Convention (or any separate Copyright Treaties) shall apply to every Colony unless excepted by Order in Council, an Order which would be made upon the application of the Colony.

Works of art and other questions.

The foregoing Memorandum is confined to copyright in books. In respect of paintings, Colonies are not in the same disadvantageous position as they are in respect of books, but it seems unnecessary for the present purpose to go into minor questions connected with works of art or dramatic performances.

(Signed) H. JENKYNs.

April 8, 1886.

[*Clause above referred to.*]

Exception of certain Colonies.

After clause 8 insert the following clause:—

It shall be lawful for Her Majesty by Order in Council, made within one year after the passing of this Act, to declare that the provisions of this Act, so far as the same apply the Copyright Acts to works first produced in a British possession, shall not apply to the British possession named in the Order, or to works first produced in that possession.

No. 9.

Mr. Howard to Sir J. Pauncefote.—(Received June 3.)

Sir, *India Office, June 2, 1886.*
 WITH reference to Sir U. Kay-Shuttleworth's letter of the 24th March last, on the subject of India joining in the proposed International Copyright Convention, I am desired by the Earl of Kimberley to transmit, for the information of the Earl of Rosebery, copy of a telegram from the Viceroy of India, and to add that, on the receipt of the promised despatch, a further communication will be sent to the Foreign Office.

I have, &c.
 (Signed) E. STAFFORD HOWARD.

Inclosure in No. 9.

The Viceroy of India to the Earl of Kimberley.

(Telegraphic.) *Simla, May 27, 1886.*
 YOURS 13th April and your despatch of the 29th idem.

We desire to enter International Copyright Union. We approve of the provisions of clause 8, sub-sections 1 and 2 of Bill, and desire retention of sub-section 4 of the same clause. We do not desire addition of clause at end of Mr. Jenkyns' Memorandum of the 3rd April. A despatch on the subject will follow.

No. 10.

Sir R. Herbert to Sir J. Pauncefote.—(Received June 5.)

Sir, *Downing Street, June 4, 1886.*
 WITH reference to previous correspondence respecting the Berne International Copyright Convention, I am directed by the Secretary of State for the Colonies to transmit, for the information of the Earl of Rosebery, the accompanying copies of telegrams which have been received from the Cape of Good Hope, Newfoundland, South Australia, Natal, and Victoria on the subject.

I am, &c.
 (Signed) ROBERT G. W. HERBERT.

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Inclosure 1 in No. 10.

Administrator Torrens to Earl Granville.

(Telegraphic.)

Cape Town, May 20, 1886.

REFERRING to your despatch 16th April, Ministers desire that Her Majesty's Government should accede to the Berne Convention on behalf of Cape Colony, and that Imperial copyright should be extended to authors whose works are first produced within this Colony.

Inclosure 2 in No. 10.

Governor Sir G. des Vœux to Earl Granville.

(Telegraphic.)

St. John's, Newfoundland, May 21, 1886.

IN reply to your despatch 16th April, this Government desires Imperial copyright extended to Colony, and to accede to Berne Convention.

Inclosure 3 in No. 10.

Governor Sir A. Havelock to Earl Granville.

(Telegraphic.)

Pietermaritzburg, May 28, 1886.

INTERNATIONAL copyright.

In reply to your despatch of the 16th April, Colonial Government consider it desirable to answer in the affirmative first three questions in concluding paragraph of Bryce's letter of the 8th April. Consider inexpedient clause referred to in fourth question.

Inclosure 4 in No. 10.

Governor Sir W. Robinson to Earl Granville.

(Telegraphic.)

Adelaide, May 29, 1886.

REFERRING to your despatch 16th April respecting International Copyright Bill, this Government approves proposals.

Inclosure 5 in No. 10.

Governor Sir H. Loch to Earl Granville.

(Telegraphic.)

Melbourne, June 1, 1886.

REFERRING to your despatch 16th April, Government request that Her Majesty's Government will assent to the Berne Conference [? Convention] on behalf of this Colony, and also that Imperial Copyright should be extended to authors by whom works are first produced in this Colony.

No. 11.

M. Vernet to the Earl of Rosebery.—(Received June 8.)

My Lord,

25, Old Broad Street, E.C., June 7, 1886.

I HAVE the honour to hand your Lordship the inclosed Circular note of my Government, containing an invitation to take part in a Conference, to be opened on the 6th September next, at Berne, for the purpose of transforming into a Diplomatic Act the project of an International Copyright Convention agreed to in September 1885.

I am, &c.

(Signed)

H. VERNET, *Agent and Consul-General for Switzerland.*

Inclosure in No. 11.

The President of the Swiss Confederation to the Earl of Rosebery.

Excellence,

Berne, le 1^{er} Juin, 1886.

A LA date du 6 Novembre, 1885, nous avons eu l'honneur d'adresser à votre Excellence un certain nombre d'exemplaires des "Actes de la deuxième Conférence Internationale pour la protection des œuvres littéraires et artistiques, réunie à Berne du 7 au 18 Septembre, 1885," et de l'inviter en même temps à vouloir bien se faire représenter à une nouvelle Conférence qui se réunira à Berne en Septembre 1886 pour signer la Convention sortie des délibérations de la Conférence de 1885 et transformer ainsi cette Convention en un instrument diplomatique.

Aujourd'hui nous avons l'honneur de faire connaître à votre Excellence que, suivant nos informations, le projet de Convention a trouvé un accueil favorable. En conséquence, la réunion de la nouvelle Conférence est fixée au 6 Septembre, 1886; elle aura lieu à Berne, dans la salle du Conseil des États, à 11 heures du matin.

Nous aimons à croire que votre Gouvernement y participera, et dans cet espoir, nous prions votre Excellence de vouloir bien nous indiquer le nom de son Délégué et de munir celui-ci des pouvoirs nécessaires pour signer la Convention.

Nous saisissons, &c.

Au nom du Conseil Fédéral Suisse,
Le Président de la Confédération,
(Signé) DEUCHER.

Le Vice-Chancelier,
(Signé) SCHATZMANN

(Translation.)

Excellency,

Berne, June 1, 1886.

UNDER date of the 6th November, 1885, we had the honour to address to your Excellency a certain number of copies of the "Records of the Second International Conference for the protection of Literary and Artistic Works, held at Berne from the 7th to the 18th September, 1885," and to invite you, at the same time, to be represented at a new Conference to be held at Berne in September 1886, with a view to the signature of the Convention elaborated at the Conference of 1885, and thus to transform the said Convention into a diplomatic instrument.

We have now the honour to apprise your Excellency that, according to the information which has reached us, the draft Convention has been favourably received. Consequently, the meeting of the new Conference has been fixed for the 6th September, 1886, and will be held at Berne in the hall of the Council of States at 11 o'clock A.M.

We trust that your Excellency will be represented thereat, and in this hope we beg your Excellency to be so good as to indicate to us the name of your Delegate, and to furnish him with the necessary full powers to sign the Convention.

We avail, &c.

In the name of the Swiss Federal Council:

The President of the Confederation,
(Signed) DEUCHER.

The Vice-Chancellor,
(Signed) SCHATZMANN.

No. 12.

Sir R. Herbert to Sir J. Pauncefote.—(Received June 10.)

Sir,

Downing Street, June 10, 1886.

IN continuation of the letter from this Department of the 4th instant, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Rosebery, the accompanying copies of telegrams from the Governors of Queensland, New Zealand, Tasmania, and New South Wales, with reference to the International Copyright Convention.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 12.

Governor Sir G. C. Strahan to Earl Granville.

(Telegraphic.)

Hobart, June 5, 1886.

TASMANIA accedes Copyright Union; clause 8, sub-sections 1 and 2 approved; sub-section 4, clause 8 desired; Bill preferred without clause end Counsel's Memorandum.

Inclosure 2 in No. 12.

Governor Sir W. F. D. Jervois to Earl Granville.

(Telegraphic.)

Wellington, June 8, 1886.

MY Government accede to Berne Convention and propose extension Imperial copyright.

Inclosure 3 in No. 12.

Administrator Palmer to Earl Granville.

(Telegraphic.)

Brisbane, June 8, 1886.

GOVERNMENT of Queensland accede to Berne Copyright Convention, and agree to principles of Bill without alteration.

Inclosure 4 in No. 12.

Governor Lord Carrington to Earl Granville.

(Telegraphic.)

Sydney, June 10, 1886.

GOVERNMENT cannot spare time for fully considering Copyright question, chiefly owing to pressure of business. I have great hopes decision will be communicated before the end of June.

No. 13.

Mr. Bryce to Mr. Godley.

Sir,

Foreign Office, June 11, 1886.

I AM directed by the Earl of Rosebery to acknowledge the receipt of your letter of the 2nd instant, inclosing a copy of a telegram from the Indian Government on the subject of the International and Colonial Copyright Bill.

In view of the impending dissolution of Parliament, it now becomes necessary to pass the Bill at once through all its stages in the House of Lords, where it has already been read for the second time; and I am therefore directed to inquire whether, under these circumstances, the Earl of Kimberley is of opinion that the measure may be now proceeded with without awaiting the detailed communication from the Indian Government which is expected to arrive by mail.

I am, &c.
(Signed) J. BRYCE.

No. 14.

Sir R. Herbert to Sir J. Parncefote.—(Received June 14.)

Sir,

Downing Street, June 12, 1886.

WITH reference to my letter of the 10th instant, I am directed by the Secretary of State for the Colonies to acquaint you, for the information of the Earl of Rosebery, that

the High Commissioner for the Dominion of Canada has received the following telegram from the Premier of the Dominion Government:—

“Canada consents to enter Copyright Convention.”

I am, &c.
(Signed) ROBERT G. W. HERBERT.

No. 15.

Sir R. Herbert to Sir J. Pauncefoot.—(Received June 15.)

Sir, *Downing Street, June 14, 1886.*
WITH reference to my letters of the 4th, 10th, and 12th instant, I am directed by the Secretary of State for the Colonies to transmit to you, to be laid before the Earl of Rosebery, a copy of a despatch from the Governor of Newfoundland on the subject of International and Imperial Copyright.

I am, &c.
(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 15.

Governor Sir G. Des Vœux to Earl Granville.

My Lord, *Government House, Newfoundland, May 22, 1886.*
I HAVE the honour to forward a copy of a letter received from the Attorney-General of this Colony, containing the views of this Government on the International and Imperial Copyright questions submitted by me for their consideration, in compliance with the instructions contained in your Lordship's despatch of the 16th April, 1886, which reached here by the last English mail.

The information which your Lordship desired to receive by telegram has already been forwarded.

I have, &c.
(Signed) G. WILLIAM DES VŒUX.

Inclosure 2 in No. 15.

Mr. Winter to Mr. Bethell.

Sir, *Attorney-General's Office, St. John's, Newfoundland, May 20, 1886.*
I HAVE the honour to acquaint you, for the information of his Excellency, that the Government have had under consideration the despatch from the Right Honourable the Secretary of State for the Colonies of the 16th April, and the accompanying papers, relating to the subject of international and colonial copyright.

The Government are of opinion—

1. That it is desirable that Her Majesty's Government should accede to the Berne Convention on behalf of the Colony.
2. That it is also desirable that Imperial copyright should be extended to this Colony.

If it should be necessary to reply more specifically to the questions suggested by Mr. Bryce in the concluding portion of his letter of the 8th April (referred to in the despatch), I beg to state, in answer to questions Nos. 3 and 4, that the Government would desire the retention of sub-section 4 of clause 8 of the proposed Bill, and would prefer the Bill as it stands, without the clause suggested at the end of Mr. Jenkyns' Memorandum.

I have, &c.
(Signed) J. S. WINTER, *Attorney-General.*

Mr. Walpole to Mr. Bryce.—(Received June 16.)

Sir,

India Office, Whitehall, June 15, 1886.

IN reply to your letter of the 11th instant, I am directed to state, for the information of the Earl of Rosebery, that the Earl of Kimberley is of opinion that, considering the present state of Parliamentary business, the International and Colonial Copyright Bill may now be proceeded with, without awaiting the receipt of the despatch from the Government of India mentioned in Lord Dufferin's telegram of the 27th ultimo.

I have, &c.

(Signed) HORACE WALPOLE.

The Earl of Rosebery to M. Vernet.

Sir,

Foreign Office, June 16, 1886.

I HAVE the honour to acknowledge the receipt of your note of the 7th instant, containing an invitation to Her Majesty's Government to be represented at a Conference, to meet at Berne on the 6th September next, for the purpose of signing the International Copyright Convention of which the draft was agreed to in September of last year; and I beg leave to state that I hope shortly to be in a position to give a definite reply to this invitation.

I have, &c.

(Signed) ROSEBERY.

Sir R. Herbert to Sir J. Pauncefoot.—(Received June 18.)

Sir,

Downing Street, June 17, 1886.

WITH reference to Colonial Office letter of the 4th instant, I am directed by the Secretary of State for the Colonies to transmit to you, for your information, a copy of a despatch which has been received from the Governor of the Cape on the subject of Imperial copyright and the Berne Convention.

I am, &c.

(Signed) ROBERT G. W. HERBERT.

Inclosure 1 in No. 18.

Administrator Torrens to Earl Granville.

My Lord,

Government House, Cape Town, May 26, 1886.

WITH reference to your Lordship's despatch of the 16th April last, relative to the Convention for the formation of an International Copyright Union, I have the honour to forward a copy of a Minute which I have received from my Ministers requesting that Her Majesty's Government should accede to the Berne Convention on behalf of the Cape Colony, and that Imperial copyright should be extended to authors whose works are first produced within this Colony.

The substance of this Minute has already been communicated to your Lordship by my telegram of the 20th May.

I have, &c.

(Signed) H. TORRENS.

Inclosure 2 in No. 18.

Minute:

IN acknowledging the receipt of Minute of the 17th instant from his Excellency the Officer administering the Government, giving inclosure to a despatch from the Right Honourable the Secretary of State for the Colonies, covering copies of documents referring to the formation of an International Copyright Union, Ministers have the