

honour to recommend that his Excellency may be pleased to communicate to Earl Granville the desire of this Government that the Berne Convention should be acceded to, and that Imperial copyright should be extended to authors whose works are first produced within this Colony.

(Signed) J. GORDON SPRIGG.

Cape Town, May 19, 1886.

No. 19.

Sir R. Herbert to Sir J. Pauncefote.—(Received June 23.)

Sir, *Downing Street, June 22, 1886.*
 WITH reference to my letter of the 10th instant, I am directed by the Secretary of State for the Colonies to transmit to you, for the information of the Earl of Rosebery, the accompanying copy of a telegram which has been received from the Governor of New South Wales this day on the subject of the Copyright Bill.

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

Inclosure in No. 19.

Governor Lord Carrington to Earl Granville.

(Telegraphic.) *Sydney, June, 22, 1886.*
Re Copyright: Answer as per schedule Bryce's Memorandum one, two, three, yes for Bill as it stands.

No. 20.

Sir J. Pauncefote to Mr. Calcraft.

Sir, *Foreign Office, June 29, 1886.*
 I AM directed by the Earl of Rosebery to transmit to you a copy of a note which has been received from the Swiss Agent and Consul-General in London,* containing an invitation for Her Majesty's Government to be represented at an International Conference to meet on the 6th September next, at Berne, for the purpose of signing the International Copyright Convention, the draft of which was definitely agreed upon at the Conference of last year; and I am to request that the Board of Trade will inform his Lordship whether, in view of the passing of the International and Colonial Copyright Bill, they are of opinion that this invitation should be accepted, and the Convention be signed on behalf of Her Majesty's Government.

In connection with this subject, I am to call the attention of the Board of Trade to paragraph 5 of the Final Protocol attached to the Act signed on the 18th September, 1885, which provides for the contribution by the States parties to the proposed Union of a certain share of the expenses of the International Bureau; and Lord Rosebery would be glad if the Board of Trade would now communicate with the Treasury, in order that the necessary authority may be given to guarantee the annual contribution.

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

No. 21.

The Earl of Rosebery to Mr. Adams.

Sir, *Foreign Office, July 2, 1886.*
 I TRANSMIT to you herewith two copies of the International and Colonial Copyright Act, 1886,† which has been passed for the purpose of enabling Her Majesty's Government to sign the International Copyright Convention.

You will communicate one copy to the Swiss Government.

I am, &c.
 (Signed) ROSEBERY.

Mr. Trevor to Sir J. Pauncefote.—(Received July 8.)

Sir,

Board of Trade, London, July 7, 1886.

I AM directed by the Board of Trade to state, in reference to your communication of the 29th ultimo, and the invitation of the Swiss Government for Her Majesty's Government to be represented at the International Copyright Conference to be held at Berne on the 6th September next, for the purpose of signing the International Copyright Convention, that the Board of Trade are of opinion that the invitation should be accepted by Her Majesty's Government.

I am further to state that the Board of Trade, in compliance with the suggestion contained in the concluding paragraph of your letter, have placed themselves in communication with the Lords Commissioners of the Treasury touching the amount of the contribution that will be required from this country as one of the States parties to the International Copyright Union.

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

Mr. Adams to the Earl of Rosebery.—(Received July 14.)

My Lord,

Berne, July 12, 1886.

I HAVE the honour to transmit to your Lordship herewith a copy of a note which I have received from the Federal Department of Commerce, acknowledging with thanks the receipt of the copy of "The International and Colonial Copyright Act, 1886," which I had forwarded to the Federal Government as instructed by your Lordship's despatch of the 2nd instant.

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

Inclosure in No. 23.

Dr. Willi to Mr. Adams.

Excellence,

Berne, le 10 Juillet, 1886.

AU moment de son départ pour quelques semaines, M. le Conseiller Fédéral Droz a reçu la lettre que votre Excellence a bien voulu adresser le 5 courant au Conseil Fédéral Suisse pour lui remettre un exemplaire du "International and Colonial Copyright Act, 1886," et lui annoncer que le Gouvernement de Sa Majesté Britannique a décidé de signer la Convention Internationale pour la protection de la propriété littéraire et artistique.

M. Droz m'a chargé d'accuser réception à votre Excellence de cet envoi, et, en attendant qu'il puisse le faire lui-même de vive voix, de lui exprimer ses plus vifs remerciements pour la grand part qui lui revient dans la résolution prise par son Gouvernement.

Je saisis, &c.
Le Chef de la Division,
(Signé) DR. WILLI.

(Translation.)

Excellency,

Berne, July 10, 1886.

AT the moment of his departure for several weeks, Federal Councillor Droz received the letter which your Excellency was good enough to address on the 5th instant to the Swiss Federal Council, furnishing a copy of "The International and Colonial Copyright Act, 1886," and announcing that Her Britannic Majesty's Government had decided to sign the International Convention for the protection of literary and artistic property.

M. Droz asks me to acknowledge the receipt of this communication; and, until he can do so personally, to express to you his best thanks for the active part you have taken in the decision at which your Government has arrived.

I avail, &c.
The Chief of Division,
(Signed) DR. WILLI.

No. 24.

*Mr. Walpole to Sir J. Pauncefote.—(Received July 17.)*Sir, *India Office, July 16, 1886.*

WITH reference to the letters from this Office of the 2nd and 15th ultimo, I am directed by the Secretary of State for India in Council to transmit, for the information of the Earl of Rosebery, copy of the despatch which has now been received from the Government of India on the subject of the International and Colonial Copyright Bill recently enacted.

I have, &c.
(Signed) **HORACE WALPOLE.**

Inclosure 1 in No. 24.

The Governor-General of India in Council to the Earl of Kimberley.

My Lord, *Simla, June 19, 1886.*

WITH reference to the correspondence ending with your Lordship's despatch dated the 29th April, 1886, on the subject of the proposed International Copyright Convention, we have the honour to transmit a copy of our telegram dated the 27th ultimo, in which we have intimated our desire to enter the International Copyright Union, and expressed our opinion on certain clauses of the International and Colonial Copyright Bill.

2. Your Lordship will observe that we approve of the provisions of clause 8, sub-sections (1) and (2) of the Bill, and that we desire the retention of sub-section (4) of the same clause, which preserves to each Colony its present power of legislating for the copyright, within the limits of the Colony concerned, of books produced there. With respect to this provision, we may observe that it is true, as remarked by Mr. H. Jenkyns in his Memorandum* on the Bill, that separate legislation hereafter for copyright within a Colony or dependency may lead to anomalies, but the Government of India may, we think, be trusted to conform to the general principles of English legislation in this matter, while there are peculiarities in connection with the copyright in Indian books which may require special treatment. Thus India differs from other British possessions in having an extensive and growing vernacular literature. That literature is at present in the stage of abridgments and translations, and special care will be needed, with a view, on the one hand, to protect authors from the unauthorized abridging and translating of original works, and, on the other hand, to avoid all unnecessary checks on the production of such abridgments and translations as, it may be hoped, are destined to be the precursors of an original literature.

3. We do not desire the addition of the clause at the end of Mr. Jenkyns' Memorandum of the 3rd April last, as we have no reason to suppose that the Government of India will ask for an Order in Council excluding this country from the operation of the Act.

We have, &c.
(Signed) **DUFFERIN.**
F. S. ROBERTS.
C. P. ILBERT.
S. C. BAYLEY.
T. C. HOPE.
A. COLVIN.
O. R. NEWMARCH.

Inclosure 2 in No. 24.

The Viceroy of India to the Earl of Kimberley.

(Telegraphic.)

Simla, May 27, 1886.

YOUR telegram of 13th April last, and your despatch of 29th April last.

We desire to enter International Copyright Union. We approve of provisions clause 8, sub-sections (1) and (2) of Bill, and desire retention of sub-section (4) same clause.

We do not desire addition of clause at end of Mr. Jenkyns' Memorandum of 3rd April last. A despatch on the subject will follow.

No. 25.

The Earl of Rosebery to Mr. Adams.

Sir, *Foreign Office, July 19, 1886.*

I TRANSMIT to you herewith a copy of a note which was received last month from the Swiss Agent and Consul-General in London, containing an invitation to Her Majesty's Government to be represented at a Conference to be held at Berne next September for the purpose of signing the International Copyright Convention, the draft of which was agreed to at the Conference of last year.*

I have now to request that you will inform the Swiss Government that Her Majesty's Government, having completed the necessary legislation on the subject, have much pleasure in accepting this invitation, and have named as their Delegates yourself and Mr. J. H. G. Bergne, of this Office, who will be invested with the necessary full powers to enable them to sign this Convention.

I shall furnish you at a later date with the instructions which may appear requisite for the British Delegates.

I am, &c.
(Signed) ROSEBERY.

No. 26.

The Earl of Rosebery to M. Vernet.

Sir, *Foreign Office, July 19, 1886.*

IN reply to your note of the 7th ultimo, I have the honour to acquaint you that Her Majesty's Government have much pleasure in accepting the invitation of the Swiss Government to be represented at a Conference to be held at Berne on the 6th September next for the purpose of signing the International Copyright Convention agreed upon at the Conference of last year.

I beg leave to add that Her Majesty's Minister at Berne has been requested to inform the Swiss Government to this effect, and to notify the names of the British Delegates.

I am, &c.
(Signed) ROSEBERY.

SWITZERLAND. No. 2 (1886).

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:
PRINTED BY HARRISON AND SONS.]

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FURTHER CORRESPONDENCE

RESPECTING THE FORMATION OF AN

INTERNATIONAL COPYRIGHT UNION.

[In continuation of "Switzerland No. 2 (1886)": C.—4856.]

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

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Further Correspondence respecting the Formation of an International Copyright Union.

[In continuation of "Switzerland No. 2 (1886)": C.—4856.]

No. 1.

M. Vernet to the Earl of Rosebery.—(Received July 14.)

My Lord,

25, Old Broad Street, July 13, 1886.

I HAVE the honour to hand your Lordship the inclosed Circular note of my Government, containing a proposal of the French Government which will be submitted to the International Copyright Conference to be held at Berne on the 6th September next.

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

Inclosure 1 in No. 1.

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

Excellence,

Berne, le 3 Juillet, 1886.

EN nous annonçant qu'il est disposé à signer la Convention Internationale pour la protection des œuvres littéraires et artistiques, signature qui aura lieu dans la Conférence qui s'ouvrira à Berne le 6 Septembre prochain, le Gouvernement de la République Française nous remet un projet de Déclaration qu'il désirerait voir également adopter et signer par Messieurs les Plénipotentiaires présents à la Conférence.

Nous avons l'honneur de transmettre à votre Excellence quelques exemplaires de ce projet, en la priant de vouloir bien l'examiner et donner à ses Plénipotentiaires à la Conférence du 6 Septembre des instructions à ce sujet. S'il nous est permis d'exprimer notre avis comme initiateurs des réunions qui ont élaboré la Convention, nous estimons que ce projet de Déclaration est entièrement conforme aux vues qui ont présidé aux travaux des Conférences de 1884 et de 1885; il est destiné à dissiper certains doutes qui pourraient effectivement se produire dans l'interprétation de la Convention, et, à ce titre, il pourrait être adopté comme annexe à cette dernière, sans que d'ailleurs on revienne par-là sur la décision prise par la dernière Conférence de ne plus apporter de changement au texte même de la Convention.

Nous saisissons, &c.

Au nom du Conseil Fédéral Suisse :

Le Président de la Confédération,

(Signé) DEUCHER.

Le Chancelier de la Confédération,

(Signé) RINGIER.

(Translation.)

My Lord,

Berne, July 3, 1886.

THE Government of the French Republic, while announcing that it is ready to sign the International Convention for the protection of artistic and literary works, the signing of which will take place at the Conference opening at Berne on the 6th September next, transmits to us a "Projet de Déclaration," which it desires also to see adopted and signed by the Plenipotentiaries present at the Conference.

We have the honour to transmit to your Excellency copies of this "Projet," begging

that you will be good enough to examine it, and to give to Her Majesty's Plenipotentiaries to the Conference of the 6th September instructions on the subject. If we, as initiators of the Conferences which have elaborated the Convention, may be allowed to express our opinion, we consider that this "Projet de Déclaration" conforms entirely with the views expressed at the sittings of the Conferences of 1884 and 1885; it is designed to put an end to certain doubts which might actually be raised in the interpretation of the Convention; and, with this end, it might be adopted as an annex thereto, without thereby affecting the decision arrived at by the last Conference, namely, that no change should be made in the existing text of the Convention.

We avail, &c.

In the name of the Swiss Federal Conseil:

The President of the Confederation,

(Signed) DEUCHER.

The Chancellor of the Confederation,

(Signed) RINGIER.

Inclosure 2 in No. 1.

Declaration.

QUELQUES doutes s'étant élevés sur le sens des Articles V, VII, IX, et X de la Convention conclue à la date de ce jour, les Plénipotentiaires soussignés ont reconnu qu'il y avait lieu de les éclaircir et ont, dans ce but, adopté, d'un commun accord, la Déclaration suivante:—

1. Le § 2 de l'Article V est applicable aux romans-feuilletons.

2. Les romans-feuilletons constituant moins un article de journal qu'une œuvre littéraire publiée sous une forme spéciale, il est entendu qu'au point de vue de leur reproduction, soit en original, soit en traduction, ils sont régis non par l'Article VII, mais par les Articles II, V, X et XI de la Convention conclue à la date de ce jour.

3. Le droit de publication des œuvres dramatiques et dramatico-musicales, soit dans la langue originale, soit en traduction, et le droit de représentation de ces mêmes œuvres, soit dans la langue originale, soit en traduction, sont absolument distincts l'un de l'autre; en conséquence, la publication d'une telle œuvre n'autorise personne à la représenter sans le consentement de son auteur, pas plus que sa représentation n'autorise à la publier.

4. Est spécialement comprise parmi les appropriations indirectes non-autorisées, que l'Article X qualifie de reproductions illicites, la dramatisation, c'est-à-dire, la transformation d'un roman en pièce de théâtre, ou *vice-versa*.

Fait en expéditions, à Berne, le

(Translation.)

SOME doubts having arisen as to the meaning of Articles V, VII, IX, and X of the Convention concluded this day, the undersigned Plenipotentiaries have recognized the need of explaining them, and have, with this end in view, unanimously adopted the following Declaration:—

1. The § 2 of Article V applies to "romans-feuilletons."

2. The "romans-feuilletons" constituting less a newspaper article than a literary work published in a special form, it is understood that, with regard to their reproduction, either in original or in translation, they are regulated not by Article VII, but by Articles II, V, X, and XI of the Convention concluded to-day.

3. The right of publication of dramatic and dramatico-musical works in their original language, or in translation, and the right of representing these same works in their original language, or in translation, are entirely distinct from each other; consequently, the publication of such a work does not authorize the representation without the consent of the author, any more than the representation authorizes the publication.

4. Dramatization, that is to say, the transformation of a story into a play, or *vice versa*, is especially included among the unauthorized indirect appropriations which Article X characterizes as illicit reproductions.

*Mr. Bryce to Sir R. Herbert.**

Sir,

Foreign Office, July 19, 1886.

I AM directed by the Earl of Rosebery to state to you, for the information of Earl Granville, that the International and Colonial Copyright Act having been passed, Her Majesty's Government have accepted the invitation of the Swiss Government to be represented at a Conference to be held at Berne in September next for the purpose of signing the International Copyright Convention.

In view of recent correspondence with the Colonial Office, his Lordship presumes that the British Delegates should notify that the accession to the Union of Great Britain comprehends all the British Colonies; but I am directed to inquire whether Lord Granville thinks that it will be desirable to add a Declaration to the effect that any one of the Representative Colonies may give notice of withdrawal separately by means of a communication to that effect made by the Imperial Government.

[† In case Lord Granville thinks this course desirable, will you inform me whether he thinks that the list of the Colonies to be named in such Declaration should be the same as that now included in the Colonial Article contained in recent Commercial Treaties.]

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

No. 3.

Mr. Bryce to Sir T. Farrer.

Sir,

Foreign Office, July 20, 1886.

I AM directed by the Earl of Rosebery to transmit to you, to be laid before the Board of Trade, a copy of a note from the Swiss Agent and Consul-General in London, inclosing copies of a Project of Declaration which the French Government will propose for signature simultaneously with the International Copyright Convention at the Conference to be held next September.‡

Upon this Project Lord Rosebery desires to make the following observations:—

Clauses 1 and 2 appear to be unobjectionable.

Clause 3 appears to be substantially in accordance with existing British law, but it would be desirable to have further explanations as to the exact meaning which[§] is attached to the first sentence.

In regard to clause 4, it is believed that existing British law forbids the publication of an unauthorized dramatic version of a novel, but not its representation on the stage.

The Board of Trade will recollect that the British Delegates to the Copyright Conference last year recommended in their Report (p. 56 of Blue Book and section 5 of Mr. Daldy's draft Bill, p. 39) that the law should be altered so as practically to prohibit both publication and performance, and this recommendation will, no doubt, be considered in connection with any scheme of consolidation which may eventually be brought forward.

As the law stands now, however, it seems that protection could only be guaranteed in this country so far as regards publication.

Under these circumstances Lord Rosebery, would be glad to be informed whether, in the opinion of the Board, the British Delegates at the approaching Conference should be instructed to express the concurrence of Her Majesty's Government in the principle enunciated in clause 4 of the French Project, but to declare that, until the existing British law can be altered, protection cannot be guaranteed so far as regards representation on the stage of a dramatic version of a novel.

It appears, however, to be of importance to discourage the proposal of any substantial alterations in the draft Convention agreed to last year, to meet the exact terms of which the British International Copyright Acts have already been amended by the Statute just passed, and his Lordship would therefore propose, with the concurrence of the Board of Trade, to reply to M. Vernet's note in the terms of the annexed draft.§

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

* Also to India Office.

† To Colonial Office only.

‡ No. 1.

§ See No. 6.

M. Vernet to the Earl of Rosebery.—(Received July 26.)

My Lord,

25, Old Broad Street, July 24, 1886.

I HAVE the honour to hand your Lordship the inclosed Circular note of my Government, containing a proposal to modify Article VII of the International Copyright Convention, agreed upon at the Conference of last year.

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

Inclosure in No. 4.

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

Excellence,

Berne, le 17 Juillet, 1886.

FAISANT suite à notre note du 6 courant, nous devons encore informer votre Excellence que l'on a attiré notre attention sur une omission commise dans la rédaction du projet de Convention pour la protection des œuvres littéraires et artistiques, élaboré par la Conférence Internationale de Berne au mois de Septembre dernier.

Le premier alinéa de l'Article 9 de l'Avant-Projet de 1884, qui est reproduit presque mot pour mot dans la première phrase de l'Article 7 du Projet de 1885, était conçu en ces termes :—

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

La Conférence de 1885 jugea convenable de supprimer le second alinéa de l'ancien projet, énumérant les Articles qui par leur nature étaient exclus du droit de reproduction, et de le remplacer en ajoutant à la phrase citée plus haut les mots : “à moins que les auteurs ou éditeurs ne l'aient expressément interdit.”

Lors de la transcription du nouvel Article, on omit d'y incorporer les mots “dans les autres pays de l'Union,” que personne n'avait combattus et qui semblent nécessaires à la correction du texte, car la Convention ne saurait stipuler des droits pour les ressortissants des États non contractants.

Bien qu'il ait été convenu qu'aucun amendement ne serait plus apporté au texte adopté par la Conférence de 1885, nous croyons néanmoins qu'il conviendrait de réintégrer dans la Convention les quelques mots qui en ont été exclus par inadvertance, et nous prions votre Excellence de vouloir bien autoriser son Plénipotentiaire à introduire dans l'Article 7 la légère modification proposée.

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

(Translation.)

My Lord,

Berne, July 17, 1886.

IN continuation of our note of the 6th instant, we have to inform your Lordship that our attention has been called to an omission in the wording of the “Projet de Convention” for the protection of literary and artistic works, drawn up by the International Conference held at Berne in the month of September last.

The first line of Article 9 of the Avant-Projet of 1884, which is reproduced almost word for word in the first sentence of Article 7 of the Projet of 1885, was conceived in these terms :—

“Articles extracted from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation, in the other countries of the Union.”

The Conference of 1885 considered it advisable to suppress the second line of the old “Projet,” enumerating the articles which by their nature were excluded from the right of reproduction, and to replace them by adding to the sentence cited above the words, “unless the authors or publishers may have expressly forbidden it.”

In transcribing the new Article an omission was accidentally made of the words, “in

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the other countries of the Union," which had encountered no opposition, and which seem necessary to the sense of the text, for the Convention could not make stipulations as to the rights of subjects of non-Contracting States.

Though it was understood that no amendment should be made to the text adopted by the Conference of 1885, we nevertheless consider that it would be advisable to reinstate in the Convention the words which were left out by inadvertence, and we beg your Lordship to authorize your Plenipotentiary to assent to the introduction in Article 7 of the slight modification proposed.

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

No. 5.

Mr. Boyle to Mr. Bryce.—(Received July 26.)

Sir, *Board of Trade, London, July 24, 1886.*
 I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 20th instant on the subject of a Project of Declaration which the French Government will propose for signature, simultaneously with the International Copyright Convention, at the Conference to be held next September; and, in reply, to state, for the information of Lord Rosebery, that the Board of Trade concur in the terms of the reply it is suggested should be made to M. Vernet's note.

I have, &c.
 (Signed) COURTENAY BOYLE.

No. 6.

The Earl of Rosebery to M. Vernet.

Sir, *Foreign Office, July 26, 1886.*
 I HAVE the honour to acknowledge the receipt of your note of the 13th instant, in which you were good enough to inclose a Project of Declaration which will be proposed by the French Delegates for signature simultaneously with the International Copyright Convention at the Conference to be held at Berne next September, and I beg leave to acquaint you, in reply, that the British Delegates will be furnished with instructions on the subject.

In the meanwhile, I beg leave to request that you will express to your Government the earnest hope of Her Majesty's Government that no alterations will be made affecting in substance the draft Convention agreed upon last year.

On the faith of the Resolution of the Conference that the text then agreed upon should be signed without alteration by those Governments who might be willing to accept it, Her Majesty's Government have already, by a Statute which has just passed through Parliament, amended the British International Copyright Acts to meet the exact terms of the draft Convention, and they would view with great regret any proposals tending to a reconsideration of the bases of union already fixed.

I have, &c.
 (Signed) ROSEBERY.

No. 7.

Mr. Bryce to Mr. Boyle.

Sir, *Foreign Office, July 27, 1886.*
 I AM directed by the Earl of Rosebery to transmit to you, for the consideration of the Board of Trade, a copy of a note from the Swiss Agent and Consul-General in London.

proposing a slight alteration in the text of the draft International Copyright Convention, which appears to his Lordship to be free from objection.*

With reference to your letter of the 24th instant, I am desired to inclose a draft of instructions to the British Delegates,† and to state that his Lordship would be glad to be informed whether the Board of Trade concur therein.

His Lordship further thinks that it may be desirable for the British Delegates to advocate the view that the next International Conference for the revision of the Convention should not be held at an early date, in order that changes calculated to render necessary alterations in domestic law may not be adopted prematurely.

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

No. 8.

Mr. Bramston to Mr. Bryce.—(Received July 30.)

Sir,

Downing Street, July 29, 1886.

I AM directed by Earl Granville to acknowledge the receipt of your letter of the 19th instant, respecting the adhesion of the Colonies possessing representative government to the International Copyright Union, and to state to you, in reply, for the information of the Earl of Rosebery, that as the countries, parties to the Convention, have, under Article XX, the right of separately denouncing it, Lord Granville thinks it may be desirable to secure the corresponding right of withdrawal for the large Colonies possessing separate elective Legislatures.

I am to add that the list will be the same as that in recent commercial Treaties, namely, Canada, the Australasian Colonies, Cape, and Natal.

I am, &c.
(Signed) JOHN BRAMSTON.

No. 9.

Mr. Boyle to Mr. Bryce.—(Received July 30.)

Sir,

Board of Trade, London, July 29, 1886.

I AM directed by the Board of Trade to acknowledge the receipt of your letter of the 27th instant, transmitting, for their consideration, copy of a note from the Swiss Government proposing a slight alteration in the text of the International Copyright Convention about to be signed at Berne, and also draft instructions to the British Delegates.

In reply, I am to state, for the information of Lord Rosebery, that the Board of Trade concur in the terms of the proposed instructions to the Delegates.

The Board of Trade are further of opinion that it is desirable the Delegates should bring forward the question of the inadvisability of too early a date being fixed for holding the next Conference for considering the revision of the International Convention.

I have, &c.
(Signed) COURTENAY BOYLE.

No. 10.

Mr. Walpole to Mr. Bryce.—(Received July 31.)

Sir,

India Office, Whitehall, July 30, 1886.

I AM directed by the Secretary of State for India in Council to acknowledge the receipt of your letter of the 19th instant, and in reply to state that, as the Government of India have expressed their desire to enter the International Copyright Union, the Earl of Kimberley concurs in the adoption of the course proposed by the Earl of Rosebery, but is of opinion that the declaration referred to in your letter should be added to the Convention about to be signed.

I have, &c.
(Signed) HORACE WALPOLE.

No. 11.

The Earl of Rosebery to Mr. Adams and Mr. Bergne.

Gentlemen,

Foreign Office, August 2, 1886.

I HAVE appointed you to be British Delegates to the International Copyright Conference to meet at Berne on the 6th September next, and I transmit to you herewith a Full Power to enable you to sign the Convention which was agreed upon at the Conference of last year.

It having been then decided that the draft proposed as the basis of the International Copyright Union should not be altered, Her Majesty's Government have passed an Act amending the British International Copyright Acts in such a manner as to correspond with the draft, and to enable Her Majesty's Government to enter the Union.

A copy of this Act is inclosed.*

Two proposals have, however, since been received for additions to, or changes in, the bases laid down in 1885.

1. A proposal by the French Government for an Additional Declaration.

2. A proposal by the Swiss Government to insert certain words into the text of Article 7.

Notes from the Swiss Government containing these proposals are inclosed for your information.†

In regard to the first, Her Majesty's Government, although they would have preferred that no additions of any kind should be made to the draft Convention, do not see any objection to the terms of the Declaration, save that it would be desirable to obtain some explanation of the exact meaning attached to the first part of Article 3; and that Article 4 will require qualification to make it come within the scope of existing English law, by which the publication of an unauthorized dramatic version of a novel is prohibited, but not its representation on the stage.

You will therefore endeavour to obtain the modification of this Article in the sense that it shall be understood to apply only so far as the domestic law of each State will permit.

To the proposal of the Swiss Government Her Majesty's Government have no objection to offer, considering it to be merely an explanation of the present text.

Subject to these observations you are authorized to sign on behalf of Great Britain.

I am, &c.
(Signed) ROSEBERY.

No. 12.

The Earl of Iddesleigh to Sir Francis Adams and Mr. Bergne.

Gentlemen,

Foreign Office, August 21, 1886.

I TRANSMIT to you herewith copies of correspondence, as marked in the margin,‡ with the India and Colonial Departments, relative to the inclusion of the British Colonies in the scope of the International Copyright Convention.

You will, accordingly, at the time of signature, make a Declaration to the effect that the accession of Great Britain to the Union comprises all the Colonies and foreign possessions of Her Majesty, but that liberty is reserved by Her Majesty's Government to notify at any period the separate withdrawal from the Union of the following British possessions, in the manner prescribed by Article XX of the Convention:—

India.	Victoria.
The Dominion of Canada.	Queensland.
Newfoundland.	Tasmania.
The Cape.	South Australia.
Natal.	Western Australia.
New South Wales.	New Zealand.

I am, &c.
(Signed) IDDESLEIGH.

* 49 & 50 Vict., cap. 33.

‡ Nos. 2, 8, and 10.

† Inclosures in Nos. 1 and 4.

Sir F. Adams and Mr. Bergne to the Earl of Iddesleigh.—(Received September 13.)

My Lord,

Berne, September 10, 1886.

WE have the honour to report that the Third International Copyright Conference met at Berne on the 6th instant, the following States being represented:—

Germany.
Belgium.
Spain.
United States.
France.
Great Britain.
Haïti.
Italy.
Japan.
Liberia.
Switzerland.
Tunis.

The Delegates of all these States, save those of the United States and Japan, had received Full Powers from their Governments to sign the Convention, and the signature accordingly took place on the 9th instant.

No Delegates from Sweden and Norway were present, but the President read a note which he had received from the Swedish Minister for Foreign Affairs, to the effect that those Governments expected to be able to adhere to the Convention before the date fixed for the exchange of ratifications.

The British signed copies of the Convention, Additional Article, "Protocole de Clôture," and *procès-verbal* of signature are inclosed in this despatch, together with printed copies of the records of the present Conference.*

In view of the instructions contained in Lord Rosebery's despatch of the 2nd ultimo, we proposed at the first sitting that the next meeting of the Conference should take place ten years after the date of signature, unless four Signatory Powers should collectively demand an earlier meeting; and we accepted an addition to this proposal submitted by the German Delegate, to the effect that such a demand must not be made at an earlier date than four years after the signature.

The English and German proposals were combated by the Delegates of France and Tunis, who were of opinion that an earlier meeting might prove desirable.

In view of these conflicting opinions, a suggestion was made by the President, M. Droz, by way of compromise, to the effect that the next Conference should take place from four to six years after the date at which the Convention should come into actual operation; and, as an interval of from about five to seven years from the date of signature would thus be secured, we had no difficulty in accepting this proposal, which was eventually adopted unanimously. At the suggestion of the British Delegates, seconded by the German Delegate, Paris was selected as the next place of meeting, and it was arranged that the actual date, within the limits agreed upon, should be fixed by the French Government, in consultation with the central Swiss Office.

The amendment to Article VII, which had been proposed by the Swiss Government, did not give rise to much discussion, it being recognized that it did not alter the sense of the Article as drafted last year; and the insertion was accordingly accepted by a unanimous vote, save the German Delegate, whose Government was not favourable to the slightest amendment of the draft agreed upon last year.

The Declaration which had been proposed by the French Government gave rise to some debate, the Italian and German Delegates giving reasons against its adoption, especially in regard to paragraph 4.

We confined ourselves to a statement of the position of English law on the question of the dramatization of novels, and added that though, as agreed upon last year, we should prefer that no amendment to the draft Convention should be made, we were authorized by our Government to accept the Declaration, subject to such modification of the last paragraph as would suffice to meet the requirements of English law.

The French Delegates eventually withdrew their proposal entirely, and the Convention as signed is consequently identical with last year's draft, except the insertion of the few words of a purely formal character proposed by the Swiss Government in Article VII.

* The records are not reprinted with the present Paper.

An important feature of the Conference, especially from an English point of view, was the presence of the United States' Delegate, who made a Declaration, which will be found at page 18 of the Records,* expressing the sympathy of his Government for the substance and objects of the Convention, and their hope that they might find themselves in a position to adhere to it at an early date.

We venture to call your Lordship's particular attention to this Declaration as giving promise that the important literary and artistic interests of Great Britain in the United States may before long be afforded adequate protection.

The Declaration respecting the British Colonies which we made in accordance with the instructions contained in your Lordship's despatch of the 22nd ultimo, will be found in the Procès-verbal of Signature.†

The only suggestions which it appears necessary for us to submit to your Lordship's consideration are as regards the course to be pursued by Her Majesty's Government with reference to the existing Copyright Conventions between Great Britain and foreign States.

The following Conventions are at present in operation :—

1. Prussia, 13th May, 1846.
2. Saxony, 24th August, 1846.
3. Brunswick, 30th March, 1847.
4. Thuringian Union, 1st July, 1847.
5. Hanover, 4th August, 1847.
6. Oldenburg, 28th December, 1847.
7. France, 3rd November, 1851.
8. Anhalt, 8th February, 1853.
9. Hamburg, 16th August, 1853.
10. Belgium, 12th August, 1854.
11. Prussia and other German States, 14th June, 1855.
12. Sardinia (applicable to Italy), 30th November, 1860.
13. Hesse, 19th November, 1861.
14. Spain, 11th August, 1880.
15. Germany, 2nd June, 1886.

The last Convention on this list, for practical purposes, brings the whole of the German Empire within the terms of the Conventions with Prussia of the 13th May, 1846, and the 14th June, 1855.

Therefore, Great Britain has Copyright Conventions only with Germany, France, Belgium, Italy, and Spain, all of which States have now signed the International Copyright Convention.

The Convention with Italy has been denounced by that Government, but stands prolonged until the 31st December next. The Conventions with the German States, France, and Belgium, can be terminated at a year's notice, and that with Spain by a notice of six months.

The International Convention just signed is to be ratified within the delay of one year, and is to come into operation three months after the exchange of ratifications.

When it has once come into operation, it seems that the stipulations of the now existing Conventions between Great Britain and foreign States will become unnecessary, and perhaps embarrassing; and we would therefore venture to suggest that three months after the signature of the International Convention, viz., on the 9th December next, notice of termination of the existing Copyright Conventions should be given to Germany, France, and Belgium; that the Convention with Italy should be further prolonged till the International Convention comes into operation; and that notice should be given to Spain on the 9th June next of the termination of the Copyright Convention of the 11th August, 1880.

By these means, the whole of the existing Conventions would be kept in force for certain till the International Convention comes into operation, and would terminate, at all events, shortly after that date.

We believe that the International Copyright Union, which may now be said to be founded, will not only efficiently replace the existing Conventions, but will confer upon British owners of literary and artistic property far more extensive and satisfactory protection than is now enjoyed by them abroad; and we entertain strong hopes that, before

* See Inclosure 5 in No. 13.

† See Inclosure 4 in No. 13.

the expiration of many years, the Union will comprise all the principal States of the world which have any practical interest in the matter.

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

Inclosure 1 in No. 13.

Convention concernant la Création d'une Union Internationale pour la Protection des Œuvres Littéraires et Artistiques.

SA Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté l'Empereur d'Allemagne, Roi de Prusse; Sa Majesté le Roi des Belges; Sa Majesté Catholique le Roi d'Espagne, en son nom Sa Majesté la Reine Régente du Royaume; le Président de la République Française; le Président de la République d'Haïti; Sa Majesté le Roi d'Italie; le Président de la République de Libéria; le Conseil Fédéral de la Confédération Suisse; Son Altesse le Bey de Tunis,

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

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

Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, Sir Francis Ottiweil Adams, Chevalier Commandeur de l'Ordre Très Distingué de St. Michael et St. George, Compagnon du Très Honorable Ordre du Bain, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Berne; et le Sieur John Henry Gibbs Bergne, Compagnon de l'Ordre Très Distingué de St. Michael et St. George, Directeur au Département des Affaires Étrangères à Londres.

Sa Majesté l'Empereur d'Allemagne, Roi de Prusse, le Sieur Otto von Bülow, Conseiller Intime actuel de Légation, et Chambellan de Sa Majesté, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Confédération Suisse.

Sa Majesté le Roi des Belges, le Sieur Maurice Delfosse, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Confédération Suisse.

Sa Majesté Catholique le Roi d'Espagne, en son nom Sa Majesté la Reine Régente du Royaume, le Sieur Comte de la Almina, Sénateur, Envoyé Extraordinaire et Ministre Plénipotentiaire près la Confédération Suisse; le Sieur Don José Villa-Amil y Castro, Chef de Section de la Propriété Intellectuelle au Ministère de l'Instruction Publique, Docteur en Droit Civil et Canonique, Membre du Corps Facultatif des Archivistes, Bibliothécaires et Archéologues, ainsi que des Académies de l'Histoire, des Beaux-Arts de St. Ferdinand, et de celle des Sciences de Lisbonne.

Le Président de la République Française, le Sieur François Victor-Emmanuel Arago, Sénateur, Ambassadeur de la République Française près la Confédération Suisse.

Le Président de la République d'Haïti, le Sieur 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), Diplômé de l'École des Sciences Politiques de Paris (Section Diplomatique), Médaille Décorative d'Haïti de troisième classe.

Sa Majesté le Roi d'Italie, le Sieur Charles Emmanuel Beccaria des Marquis d'Incisa, Chevalier des Ordres des Saints Maurice et Lazare, et de la Couronne d'Italie, son Chargé d'Affaires près la Confédération Suisse.

Le Président de la République de Libéria, le Sieur Guillaume Kœntzer, Conseiller Impérial, Consul-Général, Membre de la Chambre de Commerce de Vienne.

Le Conseil Fédéral de la Confédération Suisse, le Sieur Numa Droz, Vice-Président du Conseil Fédéral, Chef du Département du Commerce et de l'Agriculture; le Sieur Louis Ruchonnet, Conseiller Fédéral, Chef du Département de Justice et Police; le Sieur A. d'Orelli, Professeur de Droit à l'Université de Zurich.

Son Altesse le Bey de Tunis, le Sieur Louis Renault, Professeur à la Faculté de Droit de Paris et à l'École Libre des Sciences Politiques, Chevalier de l'Ordre de la Légion d'Honneur, Chevalier de l'Ordre de la Couronne d'Italie.

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.

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, dans les autres pays de l'Union, 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 législation ou de police intérieure, la circulation, la représentation, l'exposition de tout ouvrage ou production à l'égard desquels l'autorité compétente aurait à exercer ce droit.

ARTICLE 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 Berne, dans le délai d'un an au plus tard.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait à Berne, le neuvième jour du mois de Septembre de l'an 1886.

(L.S.)	F. O. ADAMS.
(L.S.)	J. H. G. BERGNE.
(L.S.)	OTTO von BÜLOW.
(L.S.)	MAURICE DELFOSSE.
(L.S.)	COMTE DE LA ALMINA Y CASTRO.
(L.S.)	JOSÉ VILLA-AMIL.
(L.S.)	EMMANUEL ARAGO.
(L.S.)	LOUIS JOSEPH JANVIER.
(L.S.)	E. DI BECCARIA.
(L.S.)	KCENTZER.
(L.S.)	DROZ.
(L.S.)	L. RUCHONNET.
(L.S.)	A. D'ORELLI.
(L.S.)	L. RENAULT.

(Translation.)

Convention concerning the Creation of an International Union for the Protection of Literary and Artistic Works.

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India; His Majesty the German Emperor, King of Prussia; His Majesty the King of the Belgians; Her Majesty the Queen Regent of Spain, in the name of His Catholic Majesty the King of Spain; the President of the French Republic; the President of the Republic of Haïti; His Majesty the King of Italy; the President of the Republic of Liberia; the Federal Council of the Swiss Confederation; His Highness the Bey of Tunis,

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:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir Francis Ottiweli Adams, Knight Commander of the Most Distinguished Order of St. Michael and St. George, Companion of the Most Honourable Order of the Bath, her Envoy Extraordinary and Minister Plenipotentiary at Berne; and John Henry Gibbs Bergne, Esquire, Companion of the Most Distinguished Order of St. Michael and St. George, Director of a Department in the Foreign Office at London.

His Majesty the German Emperor, King of Prussia, M. Otto von Bülow, Privy Councillor of Legation, and Chamberlain of His Majesty, his Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation.

His Majesty the King of the Belgians, M. Maurice Delfosse, his Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation.

Her Majesty the Queen Regent of Spain, in the name of His Catholic Majesty the King of Spain; the Count de la Almina, Senator, Envoy Extraordinary and Minister Plenipotentiary to the Swiss Confederation; M. Don José Villa-Amil y Castro, Chief of the Section of Intellectual Property in the Ministry of Public Instruction, Doctor of Civil and Canon Law, Member of the Facultative Corps of Archivists, Librarians, and Archeologists, and of the Academies of History, of the Fine Arts of St. Ferdinand, and of the Academy of Sciences at Lisbon.

The President of the French Republic, M. François Victor-Emmanuel Arago, Senator, Ambassador from the French Republic to the Swiss Confederation.

The President of the Republic of Haïti, M. Louis Joseph Janvier, Doctor of Medicine of the Faculty of Paris, Prizeman of the Faculty of Medicine of Paris, bearing Diplomas from the School of Political Sciences of Paris (Administrative and Diplomatic Sections), decorated with the Haïtian Medal of the third class.

His Majesty the King of Italy, M. Charles Emmanuel Becharia des Marquis d'Incisa, Chevalier of the Orders of Saints Maurice and Lazarus, and of the Crown of Italy, his Chargé d'Affaires to the Swiss Confederation.

The President of the Republic of Liberia, M. William Koentzer, Imperial Councillor, Consul-General, Member of the Chamber of Commerce of Vienna.

The Federal Council of the Swiss Confederation, M. Numa Droz, Vice-President of the Federal Council, Head of the Department of Commerce and Agriculture; M. Louis Ruchonnet, Federal Councillor, Chief of the Department of Justice and Police; M. A. d'Orelli, Professor of Law at the University of Zurich.

His Highness the Bey of Tunis, M. Louis Renault, Professor to the Faculty of Law of Paris, and to the Free School of Political Sciences, Chevalier of the Order of the Legion of Honour, and Chevalier of the Order of the Crown of Italy.

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 lawful 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 in the other countries of the Union, 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 lawful 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 lawful 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 lawful representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

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 Berne, within the space of one year at the latest.

* See paragraph 4 of Final Protocol, p. 21.

In witness whereof, the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Berne, the 9th day of September, 1886.

(L.S.)	F. O. ADAMS.
(L.S.)	J. H. G. BERGNE.
(L.S.)	OTTO von BÜLOW.
(L.S.)	MAURICE DELFOSSE.
(L.S.)	COMTE DE LA ALMINA Y CASTRO.
(L.S.)	JOSÉ VILLA-AMIL.
(L.S.)	EMMANUEL ARAGO.
(L.S.)	LOUIS JOSEPH JANVIER.
(L.S.)	E. DI BECCARIA.
(L.S.)	KCENTZER.
(L.S.)	DROZ.
(L.S.)	L. RUCHONNET.
(L.S.)	A. D'ORELLI.
(L.S.)	L. RENAULT.

Inclosure 2 in No. 13.

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, les Plénipotentiaires respectifs ont signé le présent Article Additionnel.

Fait à Berne, le neuvième jour du mois de Septembre de l'an 1886.

(Signé)	F. O. ADAMS.
	J. H. G. BERGNE.
	OTTO von BÜLOW.
	MAURICE DELFOSSE.
	ALMINA.
	VILLA-AMIL.
	EMMANUEL ARAGO.
	LOUIS JOSEPH JANVIER.
	E. DI BECCARIA.
	KCENTZER.
	DROZ.
	L. RUCHONNET.
	A. D'ORELLI.
	L. RENAULT.

(Translation.)

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 lawful 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, the respective Plenipotentiaries have signed the present-Additional Article.

Done at Berne, the 9th day of September, 1886.

(Signed)

F. O. ADAMS.
 J. H. G. BERGNE.
 OTTO VON BÜLOW.
 MAURICE DELFOSSE.
 ALMINA.
 VILLA-AMIL.
 EMMANUEL ARAGO.
 LOUIS JOSEPH JANVIER.
 E. DI BECCARIA.
 KENTZER.
 DROZ.
 L. RUCHONNET.
 A. D'ORELLI.
 L. RENAULT.

Inclosure 3 in No. 13.

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 Paris, dans la délai de quatre à six ans à partir d'entrée en vigueur de la Convention.

Le Gouvernement Français en fixera la date dans ces limites, après avoir pris l'avis du Bureau International.

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, les Plénipotentiaires respectifs l'ont revêtu de leur signature.

Fait à Berne, le neuvième jour du mois de Septembre de l'an 1886.

(Signé)

F. O. ADAMS.
 J. H. G. BERGNE.
 OTTO VON BÜLOW.
 MAURICE DELFOSSE.
 ALMINA.
 VILLA-AMIL.
 EMMANUEL ARAGO.
 LOUIS JOSEPH JANVIER.
 E. DI BECCARIA.
 KENTZER.
 DROZ.
 L. RUCHONNET.
 A. D'ORELLI.
 L. RENAULT.

(Translation.)

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 shall 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. :—

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

These coefficients will be multiplied by the number 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 Paris between four and six years from the date of the coming into force of the Convention.

The French Government will fix the date within these limits after having consulted the International Office.

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 the respective Plenipotentiaries have signed the same.

Done at Berne, the 9th day of September, 1886.

(Signed)

F. O. ADAMS.
 J. H. G. BERGNE.
 OTTO VON BÜLOW.
 MAURICE DELFOSSE.
 ALMINA.
 VILLA-AMIL.
 EMMANUEL ARAGO.
 LOUIS JOSEPH JANVIER.
 E. DI BECCARIA.
 KENTZER.
 DROZ.
 L. RUCHONNET.
 A. D'ORELLI.
 L. RENAULT.

Inclosure 4 in No. 13.

Procès-verbal de Signature.

LES Plénipotentiaires soussignés, réunis ce jour à l'effet de procéder à la signature de la Convention concernant la création d'une Union Internationale pour la protection des œuvres littéraires et artistiques, ont échangé les déclarations suivantes :—

1. En ce qui concerne l'accession des Colonies ou possessions étrangères prévue à l'Article XIX de la Convention.

Les Plénipotentiaires de Sa Majesté Catholique le Roi d'Espagne réservent pour leur Gouvernement la faculté de faire connaître sa détermination au moment de l'échange des ratifications.

Le Plénipotentiaire de la République Française déclare que l'accession de son pays emporte celle de toutes les Colonies de la France.

Les Plénipotentiaires de Sa Majesté Britannique déclarent que l'accession de la Grande-Bretagne à la Convention pour la protection des œuvres littéraires et artistiques

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comprend le Royaume-Uni de la Grande-Bretagne et d'Irlande et toutes les Colonies et possessions étrangères de Sa Majesté Britannique.

Ils réservent toutefois au Gouvernement de Sa Majesté Britannique la faculté d'en annoncer en tout temps la dénonciation séparément pour une ou plusieurs des Colonies ou possessions suivantes, en la manière prévue par l'Article XX de la Convention, savoir :—

Les Indes, le Dominion du Canada, Terre-Neuve, le Cap, Natal, La Nouvelle-Galles du Sud, Victoria, Queensland, la Tasmanie, l'Australie Méridionale, l'Australie Occidentale, et la Nouvelle-Zélande.

2. En ce qui concerne la classification des pays de l'Union au point de vue de la part contributive aux frais du Bureau International (chiffre 5 du Protocole de Clôture) :

Les Plénipotentiaires déclarent que leurs pays respectifs doivent être rangés dans les classes suivantes, savoir :—

Allemagne, dans la première classe.
Belgique, dans la troisième classe.
Espagne, dans la deuxième classe.
France, dans la première classe.
Grande-Bretagne, dans la première classe.
Haïti, dans la cinquième classe.
Italie, dans la première classe.
Suisse, dans la troisième classe.
Tunisie, dans la sixième classe.

Le Plénipotentiaire de la République de Libéria déclare que les pouvoirs qu'il a reçus de son Gouvernement l'autorisent à signer la Convention, mais qu'il n'a pas reçu d'instructions quant à la classe où ce pays entend se ranger au point de vue de sa part contributive aux frais du Bureau International. En conséquence, il réserve sur cette question la détermination de son Gouvernement, qui le fera connaître lors de l'échange des ratifications.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent procès-verbal.

Fait à Berne, le neuvième jour du mois de Septembre de l'an 1886.

(Signé)

Pour la Grande-Bretagne ..	..	F. O. ADAMS. J. H. G. BERGNE.
Pour l'Allemagne ..	..	OTTO von BÜLOW.
Pour la Belgique ..	..	MAURICE DELFOSSE.
Pour l'Espagne ..	..	ALMINA. VILLA-AMIL.
Pour la France ..	..	EMMANUEL ARAGO.
Pour Haïti ..	..	LOUIS JOSEPH JANVIER.
Pour l'Italie ..	..	E. DI BECCARIA.
Pour Libéria ..	..	KCENTZER.
Pour la Suisse ..	..	DROZ. L. RUCHONNET. A. D'ORELLI.
Pour la Tunisie ..	..	L. RENAULT.

(Translation.)

Procès-verbal of Signature.

THE undersigned Plenipotentiaries, assembled this day to proceed with the signature of the Convention with reference to the creation of an International Union for the protection of literary and artistic works, have exchanged the following declarations :—

1. With reference to the accession of the Colonies or foreign possessions provided for by Article XIX of the Convention :

The Plenipotentiaries of His Catholic Majesty the King of Spain reserve to the Government the power of making known His Majesty's decision at the time of the exchange of ratifications.

The Plenipotentiary of the French Republic states that the accession of his country carries with it that of all the French Colonies.

The Plenipotentiaries of Her Britannic Majesty state that the accession of Great Britain to the Convention for the protection of literary and artistic works comprises