

BERNE CONVENTION

**FOR THE PROTECTION OF LITERARY
AND ARTISTIC WORKS
(TEXTS)**



BIRPI

UNITED INTERNATIONAL BUREAU FOR THE
PROTECTION OF INTELLECTUAL PROPERTY

BERNE CONVENTION
FOR THE
PROTECTION OF LITERARY
AND ARTISTIC WORKS
(TEXTS)

SUMMARY

General Information	White
Berne Convention, 1886	Blue
Paris Additional Act, 1896	Red
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GENERAL INFORMATION

Among the various systems of international protection of copyright, the oldest and the most important was established by the *Berne Convention* of 1886. The following stages stand out as landmarks in its development:

- September 9, 1886 — Berne Convention,
effective as of December 5, 1887;
- May 4, 1896 — Paris Additional Act and
Interpretative Declaration,
effective as of December 9, 1897;
- November 13, 1908— Berlin Act,
effective as of September 9, 1910;
- March 20, 1914 — Berne Additional Protocol,
effective as of April 20, 1915;
- June 2, 1928 — Rome Act,
effective as of August 1, 1931;
- June 26, 1948 — Brussels Act,
effective as of August 1, 1951.

The next revision of the Berne Convention is due to take place in Stockholm, in June 1967.

**STATES MEMBERS OF THE BERNE UNION
AS ON OCTOBER 15, 1966**

Australia *
Austria
Belgium
Brazil
Bulgaria *
Cameroon
Canada *
Ceylon *
Congo (Brazzaville)
Congo (Kinshasa)
Cyprus
Czechoslovakia *
Dahomey
Denmark
Finland
France
Gabon
Germany (Fed. Rep.) ¹
Greece
Holy See (Vatican City)
Hungary *
Iceland *
India
Ireland

Note: As a rule, the relations between the States listed here are governed by the latest (Brussels) Act. However, the relations with certain States remain governed by the Rome Act (States marked with *) or by the Berlin Act (States marked with **).

¹ Also, the German Democratic Republic (or East Germany), but the Member States disagree on this point, in view of the legal status of this territory.

Israel
Italy
Ivory Coast
Japan *
Lebanon *
Liechtenstein
Luxembourg
Madagascar
Mali
Monaco
Morocco
Netherlands *
New Zealand *
Niger
Norway
Pakistan *
Philippines
Poland *
Portugal
Rumania *
Senegal
South Africa
Spain
Sweden
Switzerland
Thailand **
Tunisia
Turkey
United Kingdom of Great Britain
and Northern Ireland
Upper Volta
Yugoslavia

STATES WHICH HAVE STIPULATED RESERVATIONS

BERLIN ACT

Thailand:

- (1) Article 2, paragraph 4, of the Berlin Act, 1908 (protection of works of *art applied to industry*), is replaced by Article 4 of the Berne Convention, 1886, which does not include these works among literary and artistic works;
- (2) Article 4, paragraph 2, of the Berlin Act, 1908, is replaced by Article 2, paragraph 2, of the Berne Convention, 1886, in respect of compliance with *conditions and formalities* required by the law of the country of origin of the work;
- (3) Article 8 of the Berlin Act, 1908, is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, in respect of the *exclusive right of authors to make or to authorize translation of their works*;
- (4) Article 9 of the Berlin Act, 1908, is replaced by Article 7 of the Berne Convention, 1886, as modified by Article 1, Number IV, of the Paris Additional Act, 1896, in respect of the *reproduction of articles published in newspapers or periodicals*;
- (5) Article 11 of the Berlin Act, 1908, is replaced by Article 9 of the Berne Convention, 1886, and Number 2 of the Final Protocol of the latter, in respect of the right of public performance of dramatic, dramatico-musical and musical works;
- (6) Article 18 of the Berlin Act, 1908 (*application of this Convention to works not yet in the public domain* in their country of origin at the date of coming into force of the Convention), is replaced by Article 14 of the Berne Convention, 1886, and Number 4 of the Final Protocol of the latter, as modified by Article 2, Number II, of the Paris Additional Act, 1896.

ROME ACT

Iceland, Japan:

Article 8 of the Rome Act is replaced by Article 5 of the Berne Convention, 1886, as modified by the Paris Additional Act, 1896, with regard to the *exclusive right of authors to make or to authorize translation of their works*.

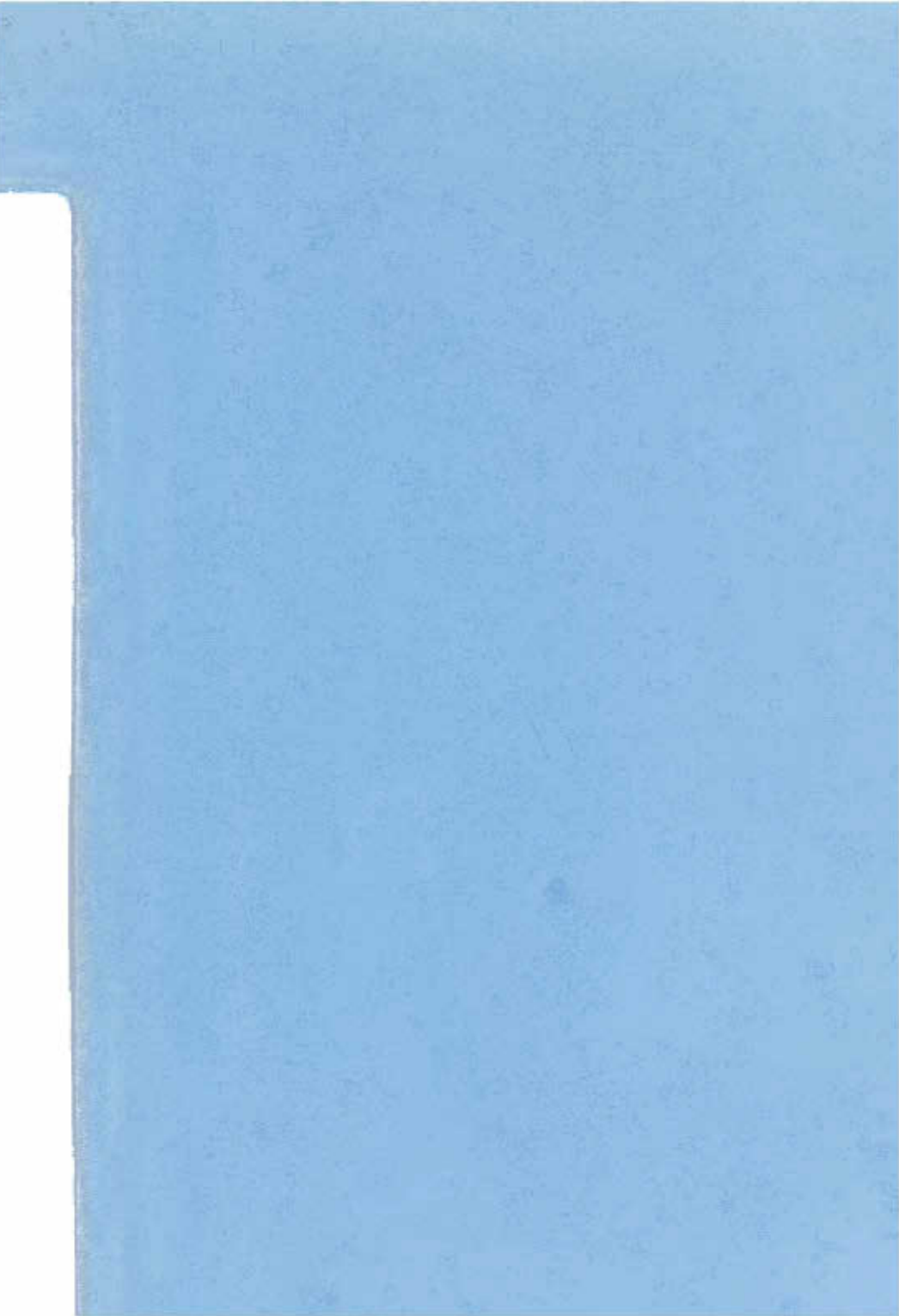
BRUSSELS ACT

Turkey, Yugoslavia:

Article 8 of the Brussels Act is replaced by Article 5 of the Berne Convention, 1886, as modified by the Paris Additional Act, 1896, with regard to the *exclusive right of authors to make or to authorize translation of their works*.

Berne
1886

BERNE CONVENTION, 1886



SECTION A 1

BERNE CONVENTION, 1886

**CONVENTION CONCERNING THE CREATION OF AN
INTERNATIONAL UNION FOR THE PROTECTION OF
LITERARY AND ARTISTIC WORKS
of September 9, 1886**

ARTICLE 1

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

ARTICLE 2

Authors who are subjects or citizens 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 shall be subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and must not exceed in the other countries the term of protection granted in the said country of origin.

NOTE: The Berne Convention, its Additional Article and its Final Protocol were signed by the following ten countries: Belgium, France, Germany, Haiti, Italy, Liberia, Spain, Switzerland, Tunisia, and the United Kingdom.

The country of origin of the work shall be considered to be 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 the laws of which grant the shortest term of protection.

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

ARTICLE 3

The stipulations of the present Convention shall 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 4

The expression "literary and artistic works" shall include books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of drawing, 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 5

Authors who are subjects or citizens 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 shall commence 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 shall be, 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 terms of protection, the 31st December of the year in which the work was published shall be regarded as the date of publication.

ARTICLE 6

Lawful translations shall be protected as original works. They shall consequently enjoy the protection stipulated in Articles 2 and 3 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 7

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 shall be sufficient if the prohibition is indicated in general terms 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 miscellaneous information.

ARTICLE 8

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 effect of the legislation of the countries of the Union, and of special arrangements existing or to be concluded between them, is not affected by the present Convention.

ARTICLE 9

The stipulations of Article 2 shall 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, shall be, 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 2 shall 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 thereof.

ARTICLE 10

The following shall be specially included amongst the illicit reproductions to which the present Convention applies: unauthorized indirect appropriations of a literary or artistic work, of various kinds, such as adaptations, musical arrangements, etc., when they are only the reproduction of a particular work, in the same form, or in another form, without essential alterations, additions, or abridgments, so as not to present 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 11

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 shall be entitled to protect the rights

belonging to the author. He shall be, without other proof, deemed to be the lawful representative of the anonymous or pseudonymous author.

It is, nevertheless, agreed that the courts 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 2.

ARTICLE 12

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 in accordance with the domestic legislation of each country.

ARTICLE 13

It is understood that the provisions of the present Convention cannot in any way affect 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 14

Under the reserves and conditions to be determined by common agreement, the present Convention shall apply 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 15

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into special arrangements between each other, provided always that such arrangements confer upon authors or their lawful representa-

tives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

ARTICLE 16

An International Office shall be 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, shall be placed under the high authority of the Superior Administration of the Swiss Confederation, and shall work under its direction. The functions of this office shall be determined by common accord between the countries of the Union.

ARTICLE 17

The present Convention may be submitted to revisions for the purpose of introducing therein amendments intended 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, shall 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 18

Countries which have not become parties to the present Convention, and which make provision by the domestic law for the protection of the rights forming the object of the present 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 acceptance of all the clauses and admission to all the advantages provided by the present Convention.

ARTICLE 19

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 comprising in the accession all their Colonies or possessions, or by specially naming those comprised therein, or by simply indicating those which are excluded.

ARTICLE 20

The present Convention shall be put in force three months after the exchange of ratifications, and shall remain in force 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. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

ARTICLE 21

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

ADDITIONAL ARTICLE

The Convention concluded this day shall in no way affect 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 this Convention.

FINAL PROTOCOL

1. As regards Article 4 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 today, from the date of its coming into force. They shall, however, not be 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 agreements between those who have legal rights.

2. As regards Article 9 it is agreed that those countries of the Union whose legislation implicitly includes choreographic 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 in which copyright subsists shall not be considered as constituting an infringement of musical copyright.

4. The common agreement contemplated in Article 14 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 take effect according to the relevant stipulations contained in special Conventions existing, or to be concluded, to that effect.

In the absence of such stipulations between any countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article 14 is to be applied.

5. The organization of the International Office established in virtue of Article 16 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 shall be French.

The International Office will collect every kind 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 undertake the study of questions of general interest concerning 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 on the questions which concern the purpose of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize, 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 a 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 to meet will prepare the programme of the Conference with the assistance of the International Office. The Director of the International Office shall attend the sittings of the Conferences, and shall take part in the discussions without the right to vote. He shall 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. Until a fresh arrangement be made, they cannot exceed the sum of sixty thousand francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article 17.

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

1st class	. . . . .	25 units
2nd "	. . . . .	20 "
3rd "	. . . . .	15 "
4th "	. . . . .	10 "
5th "	. . . . .	5 "
6th "	. . . . .	3 "

These coefficients will be multiplied by the number of countries 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 unit of expense.

Each country shall 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 21, each Contracting Party shall deliver a single instrument, which shall be deposited, with those of the other countries, in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications, signed by the Plenipotentiaries who took part.

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 and duration.

SECTION A 2

**STATES WHICH HAVE RATIFIED THE
BERNE CONVENTION, ADDITIONAL
ARTICLE, AND FINAL PROTOCOL
OR HAVE ACCEDED TO THEM**

State	Date on which the State became bound by the Convention, Additional Article, and Final Protocol	Publication in <i>Le Droit d'Auteur</i> (year and page)
Australia (1)	December 5, 1887	1888, 8
Belgium	December 5, 1887	1888, 8
Canada (1)	December 5, 1887	1888, 8
Denmark	July 1, 1903	1903, 73
France	December 5, 1887	1888, 8
Germany	December 5, 1887	1888, 8
Haiti	December 5, 1887	1888, 8
India (1)	December 5, 1887	1888, 8
Italy	December 5, 1887	1888, 8
Japan	July 15, 1899	1899, 49
Liberia	October 16, 1908	1908, 145
Luxembourg	June 20, 1888	1888, 64
Monaco	December 5, 1887	1888, 8
Montenegro	July 1, 1893	1893, 33
New Zealand (1)	December 5, 1887	1888, 8
Norway (2)	April 13, 1896	1896, 65

(1) Ratification by the United Kingdom extended also to Australia, Canada, India, New Zealand, and South Africa.

(2) Norway acceded only to the Convention.

BERNE CONVENTION, 1886

State	Date ou which the State became bound by the Convention, Additional Article, and Final Protocol	Publication in <i>Le Droit d'Auteur</i> (year and page)
South Africa (1)	December 5, 1887	1888, 8
Spain	December 5, 1887	1888, 8
Sweden	August 1, 1904	1904, 89
Switzerland	December 5, 1887	1888, 8
Tunisia	December 5, 1887	1888, 8
United Kingdom (3)	December 5, 1887	1888, 8

(3) United Kingdom of Great Britain and Northern Ireland.

Paris
1896

**PARIS ADDITIONAL ACT
AND INTERPRETATIVE
DECLARATION, 1896**



SECTION B 1

**PARIS ADDITIONAL ACT AND
INTERPRETATIVE DECLARATION, 1896**

**ADDITIONAL ACT AMENDING ARTICLES 2, 3, 5, 7, 12,
AND 20, OF THE CONVENTION OF SEPTEMBER 9, 1886,
AND NUMBERS 1 AND 4 OF THE FINAL PROTOCOL
ANNEXED THERETO
of May 4, 1896**

ARTICLE 1

The International Convention of the 9th September, 1886, is modified as follows:

I. Article 2. The first paragraph of Article 2 shall run as follows:

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

A fifth paragraph is added in these terms:

“ Posthumous works shall be included among those to be protected.”

NOTE: The Paris Additional Act and Interpretative Declaration were signed by the following twelve countries: Belgium, France, Germany, Italy, Luxembourg, Monaco, Montenegro, Norway (Interpretative Declaration only), Spain, Switzerland, Tunisia, and the United Kingdom (the United Kingdom signed only the Additional Act).

II. Article 3. Article 3 shall run as follows:

“ Authors not being subjects or citizens of one of the countries of the Union, who first publish, or cause to be first published, their literary or artistic works in one of those countries, shall enjoy, in respect of such works, the protection granted by the Berne Convention, and by the present Additional Act.”

III. Article 5. The first paragraph of Article 5 shall run as follows:

“ Authors who are subjects or citizens 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 during the entire term of their right over the original work. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it, during a term of ten years from the date of the first publication of the original work, by publishing or causing to be published, in one of the countries of the Union, a translation in the language for which protection is to be claimed.”

IV. Article 7. Article 7 shall run as follows:

“ Serial stories, including tales, published in the newspapers or periodicals of one of the countries of the Union, may not be reproduced, in original or translation, in the other countries, without the sanction of the authors or of their lawful representatives.

“ This stipulation shall apply equally to other articles in newspapers or periodicals, when the authors or editors shall have expressly declared in the newspaper or periodical itself in which they shall have been published that reproduction is forbidden. In the case of periodicals it shall be sufficient if such prohibition is indicated in general terms at the beginning of each number.

“ In the absence of prohibition, such articles may be reproduced on condition that the source is indicated.

“ The prohibition cannot in any case apply to articles of political discussion, to news of the day, or to miscellaneous information.”

V. Article 12. Article 12 shall run as follows:

“Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

“The seizure shall take place in accordance with the domestic legislation of each country.”

VI. Article 20. The second paragraph of Article 20 shall run as follows:

“Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.”

ARTICLE 2

The Final Protocol annexed to the Convention of the 9th September, 1886, is modified as follows:

I. No. 1. This clause shall run as follows:

“As regards Article 4, it is agreed as follows:

“A. In countries of the Union where protection is accorded not only to architectural plans, but also to the architectural works themselves, these works shall be admitted to the benefits of the Berne Convention and of the present Additional Act.

“B. Photographic works and works produced by an analogous process shall be admitted to the benefits of these engagements in so far as the domestic laws of each State may permit, and to the extent of the protection accorded by such laws to similar national works.

“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 Berne Convention and by the present Additional Act, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private agreements between those who have legal rights.”

II. No. 4. This clause shall run as follows:

“ The common agreement contemplated in Article 14 of the Convention is established as follows:

“ The application of the Berne Convention and of the present Additional Act to works which have not fallen into the public domain within the country of origin at the time when these engagements come into force shall take effect according to the relevant stipulations contained in special Conventions existing, or to be concluded, to this effect.

“ In the absence of such stipulations between any of the countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article 14 is to be applied.

“ The stipulations of Article 14 of the Berne Convention and of the present clause of the Final Protocol shall apply equally to the exclusive right of translation in so far as such right is established by the present Additional Act.

“ The above-mentioned temporary stipulations shall apply in case of new accessions to the Union.”

ARTICLE 3

The countries of the Union which are not parties to the present Additional Act shall at any time be allowed to accede thereto on their request to that effect. This stipulation shall apply equally to countries which may hereafter accede to the Convention of the 9th September, 1886. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

ARTICLE 4

The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the manner adopted in the case of that Convention, as soon as possible, and within the space of one year at the latest.

It shall come into force as regards those countries which shall have ratified it three months after such exchange of ratifications.

**DECLARATION INTERPRETING CERTAIN PROVISIONS
OF THE BERNE CONVENTION OF SEPTEMBER 9, 1886,
AND THE ADDITIONAL ACT SIGNED IN PARIS ON
MAY 4, 1896**

1. In accordance with the provisions of Article 2, paragraph 2, of the Convention, the protection granted by the Instruments mentioned above shall depend solely on the accomplishment of the conditions and formalities in the country of origin of the work which may be required by the legislation of that country. This stipulation shall equally apply to the protection of photographic works mentioned in No. 1.B. of the Final Protocol, as amended.

2. By *published works (oeuvres publiées)* must be understood works of which copies have been issued to the public (*oeuvres éditées*) in one of the countries of the Union. Consequently, representation of a dramatic or dramatico-musical work, the performance of a musical work, or the exhibition of a work of art shall not constitute *publication* within the meaning of the above-mentioned Instruments.

3. Transformation of a novel into a theatrical piece, or of a theatrical piece into a novel shall be governed by the provisions of Article 10.

The countries of the Union which are not parties to the present Declaration shall at any time be allowed to accede thereto on their request to that effect. This stipulation shall equally apply to countries which may hereafter accede either to the Convention of the 9th September, 1886, or to that Convention and the Additional Act of the 4th May, 1896. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

The present Declaration shall have the same force and duration as the Instruments to which it refers.

It shall be ratified, and the ratifications shall be exchanged in Paris, in the manner adopted in the case of the Instruments to which it refers, as soon as possible, and within the space of one year at the latest.

SECTION B 2

STATES WHICH HAVE RATIFIED THE PARIS ADDITIONAL ACT AND/OR
THE INTERPRETATIVE DECLARATION, OR HAVE ACCEDED TO THEM

State	Additional Act	Interpretative Declaration (concerning the Convention)	Declaration (concerning the Additional Act)	Publication in <i>Le Droit d'Auteur</i> (year and page)
Australia (1)	Dec. 9, 1897			1897, 109
Belgium	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Canada (1)	Dec. 9, 1897			1897, 109
Denmark	July 1, 1903	July 1, 1903	July 1, 1903	1903, 73
France	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Germany	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Haiti	Jan. 17, 1898	Jan. 17, 1898	Jan. 17, 1898	1898, 25
India (1)	Dec. 9, 1897			1897, 109
Italy	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Japan	July 15, 1899	July 15, 1899	July 15, 1899	1899, 49
Liberia	Oct. 16, 1908	Oct. 16, 1908	Oct. 16, 1908	1908, 145

State	Additional Act	Interpretative (concerning the Convention)	Declaration (concerning the Additional Act)	Publication in <i>Le Droit d'Auteur</i> (year and page)
Luxembourg	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Monaco	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Montenegro	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
New Zealand (1)	Dec. 9, 1897			1897, 109
Norway		Sept. 9, 1897		1897, 109
South Africa (1)	Dec. 9, 1897			1897, 109
Spain	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Sweden		Aug. 1, 1904		1904, 89
Switzerland	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
Tunisia	Dec. 9, 1897	Sept. 9, 1897	Dec. 9, 1897	1897, 109
United Kingdom	Dec. 9, 1897			1897, 109

(1) Ratification by the United Kingdom extended also to Australia, Canada, India, New Zealand, and South Africa.

BERLIN ACT, 1908

**Berlin
1908**



SECTION C 1

BERLIN ACT, 1908

**REVISED BERNE CONVENTION FOR THE PROTECTION
OF LITERARY AND ARTISTIC WORKS
of November 13, 1908**

ARTICLE 1

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

ARTICLE 2

The expression " literary and artistic works " shall include any production in the literary, scientific or artistic domain, whatever may be the mode or form of its reproduction, such as books, pamphlets, and other writings; dramatic or dramatico-musical works, choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; works of drawing, painting, architecture, sculpture, engraving and lithography; illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture or science.

Translations, adaptations, arrangements of music and other reproductions in an altered form of literary or artistic work as well as collections of different works, shall be protected as original works without prejudice to the rights of the author of the original work.

NOTE: The Berlin Act was signed by the following fifteen countries: Belgium, Denmark, France, Germany, Italy, Japan, Liberia, Luxembourg, Monaco, Norway, Spain, Sweden, Switzerland, Tunisia, and the United Kingdom.

The contracting countries shall be bound to make provisions for the protection of the above-mentioned works.

Works of art applied to industrial purposes shall be protected so far as the domestic legislation of each country allows.

ARTICLE 3

The present Convention shall apply to photographic works and to works produced by a process analogous to photography. The contracting countries shall be bound to make provision for their protection.

ARTICLE 4

Authors who are subjects or citizens of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which the respective laws do now or may hereafter grant to natives as well as the rights specially granted by the present Convention.

The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the express stipulations of the present Convention, the extent of protection, as well as the means of redress secured to the author to safeguard his rights, shall be governed exclusively by the laws of the country where protection is claimed.

The country of origin of the work shall be considered to be: in the case of unpublished works, the country to which the author belongs; in the case of published works, the country of first publication; and in the case of works published simultaneously in several countries of the Union, the country the laws of which grant the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin.

By published works must be understood, for the purposes of the present Convention, works copies of which have been issued to the public. The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, and the construction of a work of architecture shall not constitute a publication.

ARTICLE 5

Authors being subjects or citizens of one of the countries of the Union who first publish their works in another country of the Union shall have in the latter country the same rights as native authors.

ARTICLE 6

Authors not being subjects or citizens of one of the countries of the Union, who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by the present Convention.

ARTICLE 7

The term of protection granted by the present Convention shall include the life of the author and fifty years after his death.

Nevertheless, in case such term of protection should not be uniformly adopted by all the countries of the Union, the term shall be regulated by the law of the country where protection is claimed, and must not exceed the term fixed in the country of origin of the work. Consequently the contracting countries shall only be bound to apply the provisions of the preceding paragraph in so far as such provisions are consistent with their domestic laws.

For photographic works and works produced by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, provided that the said term shall not exceed the term fixed in the country of origin of the work.

ARTICLE 8

The authors of unpublished works, being subjects or citizens of one of the countries of the Union, and the authors of works first published in one of those countries shall enjoy, in the other countries of the Union, during the whole term of the right in the original work, the exclusive right of making or authorizing a translation of their works.

ARTICLE 9

Serial stories, tales, and all other works, whether literary, scientific, or artistic, whatever their object, published in the newspapers or periodicals of one of the countries of the Union may not be reproduced in the other countries without the consent of the authors.

With the exception of serial stories and tales, any newspaper article may be reproduced by another newspaper unless the reproduction thereof is expressly forbidden. Nevertheless, the source must be indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

The protection of the present Convention shall not apply to news of the day or to miscellaneous information which is simply of the nature of items of news.

ARTICLE 10

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational purposes, or having a scientific character, or for chrestomathies, the effect of the legislation of the countries of the Union and of special Arrangements existing or to be concluded between them is not affected by the present Convention.

ARTICLE 11

The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works,

and to the public performance of musical works, whether such works be published or not.

Authors of dramatic or dramatico-musical works shall be protected during the existence of their right over the original work against the unauthorized public representation of translations of their works.

In order to enjoy the protection of the present Article, authors shall not be bound in publishing their works to forbid the public representation or performance thereof.

ARTICLE 12

The following shall be especially included among the unlawful reproductions to which the present Convention applies: unauthorized indirect appropriations of a literary or artistic work, such as adaptations, musical arrangements, transformations of a novel, tale, or piece of poetry into a dramatic piece and *vice versa*, etc., when they are only the reproduction of that work, in the same form or in another form without essential alterations, additions, or abridgments, and do not present the character of a new original work.

ARTICLE 13

The authors of musical works shall have the exclusive right of authorizing: (1) the adaptation of those works to instruments which can reproduce them mechanically; (2) the public performance of the said works by means of these instruments.

Reservations and conditions relating to the application of this Article may be determined by the domestic legislation of each country in so far as it is concerned; but the effect of any such reservations and conditions will be strictly limited to the country which has put them in force.

The provisions of paragraph 1 shall not be retroactive, and consequently shall not be applicable in any country of the Union to works which have been lawfully adapted in that country to mechanical instruments before the coming into force of the present Convention.

Adaptations made in virtue of paragraphs 2 and 3 of the present Article, and imported without the authority of the interested parties into a country where they would not be lawful, shall be liable to seizure in that country.

ARTICLE 14

Authors of literary, scientific or artistic works shall have the exclusive right of authorizing the reproduction and public representation of their works by cinematography.

Cinematograph productions shall be protected as literary or artistic works, if, by the arrangement of the acting form or the combinations of the incidents represented, the author has given the work a personal and original character.

Without prejudice to the rights of the author of the original work the reproduction by cinematography of a literary, scientific or artistic work shall be protected as an original work.

The above provisions apply to reproduction or production effected by any other process analogous to cinematography.

ARTICLE 15

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, shall be entitled to protect the rights belonging to the author. He shall be, without other proof, deemed to be the legal representative of the anonymous or pseudonymous author.

ARTICLE 16

Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

In such a country the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

The seizure shall take place in accordance with the domestic legislation of each country.

ARTICLE 17

The provisions of the present Convention cannot in any way affect 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 18

The present Convention shall apply 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 through the expiration of the term of protection.

If, however, through the expiration of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew in that country.

The application of this principle shall take effect according to the stipulations contained in special Conventions existing, or to be concluded, to that effect between countries of the Union. In the absence of such stipulations, the respective countries shall regulate, each in so far as it is concerned, the manner in which the said principle is to be applied.

The above provisions shall apply equally in case of new accessions to the Union, and also in the event of the term of protection being extended by the application of Article 7.

ARTICLE 19

The provisions of the present Convention shall not prevent a claim being made for the application of any wider provision

which may be made by the legislation of a country of the Union in favour of foreigners in general.

ARTICLE 20

The Government of the countries of the Union reserve to themselves the right to enter into special arrangements between each other, provided always that such arrangements confer upon authors more extended rights than those granted by the Union or embody other stipulations not contrary to the present Convention. The provisions of existing arrangements which satisfy the above-mentioned conditions shall remain applicable.

ARTICLE 21

The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

That Office is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

The official language of the Office shall be French.

ARTICLE 22

The International Office collects every kind of information relative to the protection of the rights of authors over their literary and artistic works. It arranges and publishes such information. It undertakes the study of questions of general interest concerning the Union, and by the aid of documents placed at its disposal by the different Administrations, edits a periodical publication in the French language on the questions which concern the purpose of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize 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 which they may require relative to the protection of literary and artistic works.

The Director of the International Office shall make an annual report on his administration, which shall be communicated to all the members of the Union.

ARTICLE 23

The expenses of the Office of the International Union shall be shared by the contracting States. Until a fresh arrangement be made they cannot exceed the sum of 60,000 francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article 24.

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

1st class	. . . . .	25	units
2nd "	. . . . .	20	"
3rd "	. . . . .	15	"
4th "	. . . . .	10	"
5th "	. . . . .	5	"
6th "	. . . . .	3	"

These coefficients are multiplied by the number of countries of each class, and the total product thus obtained gives the number of units by which the total expense is to be divided. The quotient gives the amount of the unit of expense.

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

The Swiss Administration prepares the budget of the Office, superintends its expenditure, makes the necessary advances, and draws up the annual account which shall be communicated to all the other Administrations.

ARTICLE 24

The present Convention may be submitted to revisions for the purpose of introducing therein amendments intended 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, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet prepares, with the assistance of the International Office, the programme of the Conference. The Director of the Office shall attend at the sittings of the Conferences, and shall take part in the discussions without the right to vote.

No alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

ARTICLE 25

States outside the Union which make provision for the legal protection of the rights forming the object of the present Convention may 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 acceptance of all the clauses and admission to all the advantages provided by the present Convention. It may, nevertheless, contain an indication of the provisions of the Convention of the 9th September, 1886, or of the Additional Act of the 4th May, 1896, which they may judge necessary to substitute, provisionally at least, for the corresponding provisions of the present Convention.

ARTICLE 26

Contracting countries shall have the right to accede to the present Convention at any time for their Colonies or foreign possessions.

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

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

ARTICLE 27

The present Convention shall replace, in regard to the relations between the Contracting States, the Convention of Berne of the 9th September, 1886, including the Additional Article and the Final Protocol of the same date, as well as the Additional Act and the Interpretative Declaration of the 4th May, 1896. These Instruments shall remain in force in regard to relations with States which do not ratify the present Convention.

The Signatory States of the present Convention may declare at the exchange of ratifications that they desire to remain bound, as regards any specific point, by the provisions of the Conventions which they have previously signed.

ARTICLE 28

The present Convention shall be ratified, and the ratifications exchanged at Berlin not later than the 1st July, 1910.

Each Contracting Party shall, as regards the exchange of ratifications, deliver a single instrument, which shall be deposited with those of the other countries in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications signed by the Plenipotentiaries who took part.

ARTICLE 29

The present Convention shall be put in force three months after the exchange of ratifications, and shall remain in force 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 of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

ARTICLE 30

The States which shall introduce in their legislation the duration of protection for fifty years contemplated by Article 7, first paragraph, of the present Convention, shall give notice thereof in writing to the Government of the Swiss Confederation, who will communicate it at once to all the other States of the Union.

The same procedure shall be followed in the case of the States renouncing the reservations made by them in virtue of Articles 25, 26 and 27.

SECTION C 2

**STATES WHICH HAVE RATIFIED THE
BERLIN ACT
OR HAVE ACCEDED TO IT**

State	Date on which the State became bound by the Berlin Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Australia (1)	July 1, 1912; April 14, 1928	1913, 165 1928, 57
Austria	October 1, 1920	1920, 109
Belgium	September 9, 1910	1910, 85
Brazil	February 9, 1922	1922, 25
Bulgaria	December 5, 1921	1922, 2
Canada	January 1, 1924; April 10, 1928	1924, 13 1928, 57
Czechoslovakia	February 22, 1921	1921, 25
Danzig	June 24, 1922	1922, 77
Denmark (2)	July 1, 1912	1912, 91

Note: The first date after Australia, Canada, India, New Zealand, and the Union of South Africa indicates the day on which these countries became bound by the Act pursuant to a notification of the Sovereign of the United Kingdom. The second date indicates the day on which the same countries became bound by the Act as members of the Berne Copyright Union of their own right.

(1) Ratification or accession subject to the following *reservation*: Article 18 of the Act is replaced by Article 14 of the Berne Convention, 1886, and Number 4 of the Final Protocol of the same date accompanying the latter Convention, in its version of Article 2, Number II, of the Paris Additional Act, 1896, *in respect of the application of the Berlin Act, 1908, to works which have not yet fallen into the public domain in the country of origin at the time the Convention entered into force.*

(2) Ratification or accession subject to the following *reservation*: Article 9 of the Act is replaced by Article 7 of the Berne Convention, 1886, as modified by Article 1, Number IV, of the Paris Additional Act, 1896, *in respect to the production of articles published in newspapers or periodicals.*

BERNE CONVENTION: BERLIN ACT, 1908

State	Date on which the State became bound by the Berlin Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Esthonia	June 9, 1927	1927, 89
Finland (2)	April 1, 1928	1928, 45
France (3)	September 9, 1910	1910, 115
Germany	September 9, 1910	1910, 85
Greece (4, 5, 6, 7)	November 9, 1920	1920, 133
Haiti (8)	September 9, 1910	1910, 85
Hungary	February 14, 1922	1922, 25
India (1)	October 30, 1912; April 1, 1928	1914, 33 1928, 58
Ireland (9, 10)	October 5, 1927	1927, 125

(3) Ratification or accession subject to the following *reservation: in respect to the protection of works of art applied to industry*, Article 2, paragraph 4, of the Act is replaced by Article 4 of the Berne Convention, 1886, (*N.B.* the latter article does not include said works among literary and artistic works).

(4) Accession subject to the following *reservation: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, in respect to the exclusive right of authors to make or to authorize the translation of their works*

(5) Ratification or accession subject to the following *reservation: Article 9 of the Act is replaced by Article 7 of the Berne Convention, 1886, in respect of the reproduction of articles published in newspapers or periodicals.*

(6) Accession subject to the following *reservation: Article 11 of the Act is replaced by Article 9 of the Berne Convention, 1886, in respect to the right of public performance of dramatic, dramatico-musical and musical works.*

(7) In acceding to the Brussels Act, 1948, as of January 6, 1957, Greece did not wish to retain the benefit of any reservations previously formulated on its behalf.

(8) Haiti denounced the Berlin Act, 1908 (*cf.* Article 29), as of March 26, 1943 (*Le Droit d'Auteur*, 1943, pages 1 and 4).

(9) Ratification or accession subject to the following *reservation: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, in respect of the exclusive right of authors to make or to authorize the translation of their works.*

(10) In acceding to the Brussels Act, 1948, as of July 5, 1959, Ireland did not wish to retain the benefit of any reservation previously formulated on its behalf.

BERNE CONVENTION; BERLIN ACT, 1908

State	Date on which the State became bound by the Berlin Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Italy (9, 11, 12)	December 23, 1914	1914, 129
Japan (9, 13)	September 9, 1910	1910, 86
Lebanon	August 1, 1924	1924, 85
Liberia (14)	September 9, 1910	1910, 85
Liechtenstein	July 30, 1931	1931, 85
Luxembourg	September 9, 1910	1910, 85
Monaco	September 9, 1910	1910, 85
Morocco	June 16, 1917	1917, 73
Netherlands (2, 9, 11) .	November 1, 1912	1912, 146
New Zealand (1)	April 1, 1914; April 24, 1928	1914, 46 1928, 78
Norway (5, 15, 16, 17) .	September 9, 1910	1910, 113
Poland	January 28, 1920	1920, 25
Portugal	March 29, 1911	1911, 45

(11) Ratification subject to the following *reservation*: Article 11, paragraph 2, of the Act is replaced by Article 9, paragraph 2, of the Berne Convention, 1886, in respect to the right to authorize the public performance of translations of dramatic or dramatico-musical works.

(12) The reservations mentioned under (9) and (11) were abandoned by Italy upon the date of entry into force of the Rome Act, 1928 (August 1, 1931).

(13) Ratification subject to the following *reservation*: Article 11 of the Act is replaced by Article 9, paragraph 3, of the Berne Convention, 1886, in respect to the public performance of musical works.

(14) Liberia denounced the Berlin Act, 1908 (*cf.* Article 29), as of February 22, 1930 (*Le Droit d'Auteur*, 1930, page 1).

(15) Ratification subject to the following *reservation*: Article 2 of the Act which includes *architectural works* as such among literary and artistic works is replaced by Article 4 of the Berne Convention, 1886, in so far as Article 4 provides that literary and artistic works shall include *plans, sketches and plastic works relative to architecture*.

(16) Ratification subject to the following *reservation*: Article 18 of the Act is replaced by Article 14 of the Berne Convention, 1886, in respect to the application of the Berlin Act to works which have not yet fallen into the public domain in their country of origin at the time the Convention entered into force.

(17) The reservations mentioned under 5, 15 and 16 were abandoned by Norway as of December 12, 1931.

BERNE CONVENTION: BERLIN ACT, 1908

State	Date on which the State became bound by the Berlin Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Rumania (5)	January 1, 1927	1926, 121
Spain	September 9, 1910	1910, 113, 129
Sweden (5)	January 1, 1920	1919, 109
Switzerland	September 9, 1910	1910, 85
Syria	August 1, 1924	1924, 85
Thailand (1,2,3,9,18,19)	July 17, 1931	1931, 85
Tunisia (3)	September 9, 1910	1911, 29
Turkey (20)	June 20, 1931	1931, 74
Union of South Africa(1)	May 1, 1920; October 3, 1928	1920, 49 1928, 133
United Kingdom (1) . .	July 1, 1912	1912, 90
Yugoslavia (9)	June 17, 1930	1930, 85

(18) Accession subject to the following *reservation*: Article 4, paragraph 2, of the Act is replaced by Article 2, paragraph 2, of the Berne Convention, 1886, *in respect to the fulfilment of the conditions and formalities prescribed by the law of the country of origin of the work.*

(19) Accession subject to the following *reservation*: Article 11 of the Act is replaced by Article 9 of the Berne Convention, 1886, and point 2 of the Final Protocol of the same date accompanying the latter Convention, *in respect to the public performance of dramatic, dramatico-musical and musical works.*

(20) Accession "subject to the conditions and reservations stipulated in Article 14 of the Commercial Convention signed at Lausanne on July 24, 1923".

This Commercial Convention provided for the accession of Turkey to the Berne Convention and to the Additional Protocol of 1914, subject to "such reservation as Turkey might formulate concerning the provisions of the aforementioned Convention and Protocol, with reference to the right of translation in the Turkish language, if the other signatory Powers of the Convention and Protocol have not themselves opposed the said reservation in the course of the year following the entry into force" of the Convention of Lausanne.

This treaty was signed by Turkey on the one hand, and by France, Great Britain, Greece, Italy, Japan, Rumania and Yugoslavia on the other. None of these countries opposed the Turkish reservation.

In opposition to the reservation were Austria, Belgium, Czechoslovakia, Danzig, Netherlands, Poland, Portugal and Spain, and these countries did not consider themselves bound to Turkey (*Le Droit d'Auteur*, 1932, p. 109; 1933, pp. 3, 37 and 61).

**BERNE ADDITIONAL
PROTOCOL, 1914**

**Berne
1914**



SECTION D 1

BERNE ADDITIONAL PROTOCOL, 1914

**ADDITIONAL PROTOCOL TO THE REVISED BERNE
CONVENTION OF NOVEMBER 13, 1908
of March 20, 1914**

1. Where any country outside the Union fails to protect in an adequate manner the works of authors who are subject to the jurisdiction of one of the contracting countries, nothing in the Convention of the 13th November 1908 shall affect the right of such contracting country to restrict the protection given to the works of authors who are at the date of the first publication thereof subjects or citizens of the said non-union country, and are not effectively domiciled in one of the countries of the Union.

2. The right accorded by the present Protocol to contracting States belongs equally to any of their oversea possessions.

3. No restrictions introduced by virtue of paragraph 1 of the present Protocol shall in any way affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put in force.

4. The States which restrict the grant of copyright in accordance with the present Protocol shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the countries in regard to which protection is restricted,

NOTE: The Berne Additional Protocol was signed by the following eighteen countries: Belgium, Denmark, France, Germany, Haiti, Italy, Japan, Liberia, Luxembourg, Monaco, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, Tunisia, and the United Kingdom.

and the restrictions to which rights of authors who are subject to the jurisdiction of these countries are subjected. The Government of the Swiss Confederation will immediately communicate this declaration to all the other States of the Union.

5. The present Protocol shall be ratified, and the ratifications deposited at Berne within a period not exceeding twelve months from the date thereof. It shall come into operation one month after the expiration of this period, and shall have the same force and duration as the Convention to which it relates.

SECTION D 2

STATES WHICH HAVE RATIFIED THE
BERNE ADDITIONAL PROTOCOL
OR HAVE ACCEDED TO IT

State	Date on which the State became bound by the Protocol	Publication in <i>Le Droit d'Auteur</i> (year and page)
Australia (1)	April 20, 1915	
Austria	October 1, 1920	1920, 109
Belgium	November 4, 1921	1922, 2
Brazil	February 9, 1922	1922, 25
Bulgaria	December 5, 1921	1922, 2
Canada	January 1, 1924	1924, 13
Czechoslovakia	February 22, 1921	1921, 25
Danzig	June 24, 1922	1922, 77
Denmark	April 20, 1915	1915, 37
Esthonia	June 9, 1927	1927, 89
Finland	April 1, 1928	1928, 45
France	February 2, 1916	1916, 25
Germany	October 17, 1919	1919, 133
Greece	March 10, 1924	1924, 49
Hungary	February 14, 1922	1922, 25
Italy	February 20, 1930	1930, 37
Japan	April 20, 1915	1915, 37
Lebanon	March 28, 1925	1925, 49
Liberia (2)	September 9, 1921	1921, 109
Luxembourg	April 20, 1915	1915, 37

(1) Accession to the Protocol by the United Kingdom extended also to Australia and New Zealand.

(2) Liberia denounced the Berne Additional Protocol, 1914, as of February 22, 1930 (*Le Droit d'Auteur*, 1930, page 1).

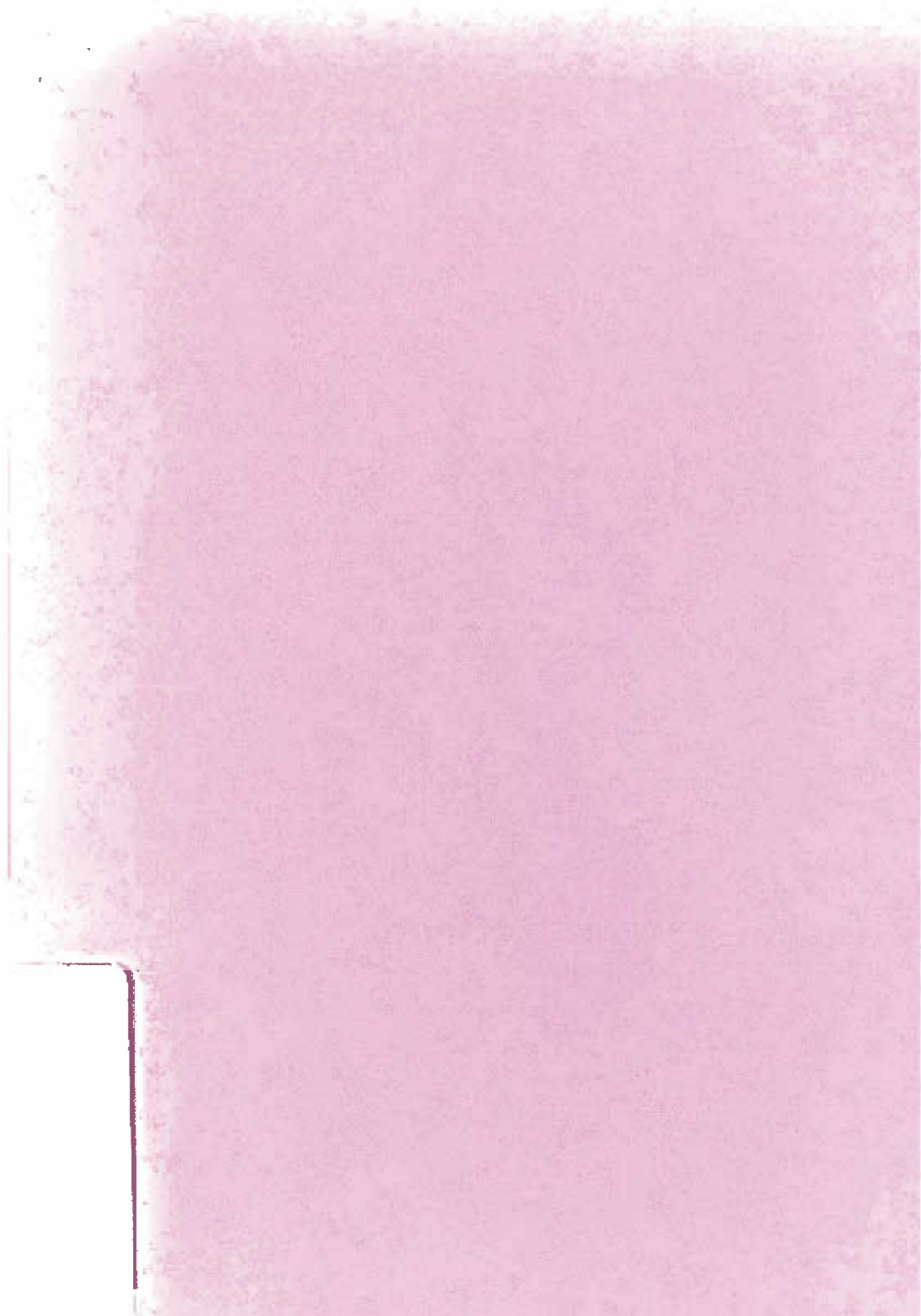
BERNE ADDITIONAL PROTOCOL, 1914

State	Date on which the State became bound by the Protocol	Publication in <i>Le Droit d'Auteur</i> (year and page)
Monaco	April 20, 1915	1914, 153
Morocco	May 12, 1920	1922, 1
Netherlands	April 20, 1915	1915, 37
New Zealand (1)	April 20, 1915	
Norway	February 28, 1920	1920, 49
Poland	January 28, 1920	1920, 25
Rumania	January 1, 1927	1926, 121
Spain	April 20, 1915	1915, 49
Sweden	January 1, 1920	1919, 109
Switzerland	April 20, 1915	1915, 13
Syria	March 28, 1925	1925, 49
Thailand	July 17, 1931	1931, 85
Tunisia	April 23, 1920	1920, 49
Turkey (3)	June 20, 1931	1931, 74
Union of South Africa	May 1, 1920	1920, 49
United Kingdom	April 20, 1915	1914, 129
Yugoslavia	June 17, 1930	1930, 85

(3) See Section C 2, *note* 20.

ROME ACT, 1928

**Rome
1928**



SECTION E 1

ROME ACT, 1928

**INTERNATIONAL CONVENTION FOR THE PROTECTION
OF LITERARY AND ARTISTIC WORKS
SIGNED AT BERNE ON THE 9th SEPTEMBER, 1886,
REVISED AT BERLIN ON THE 13th NOVEMBER, 1908,
AND REVISED AT ROME ON THE 2nd JUNE, 1928**

ARTICLE 1

The countries to which the present Convention applies are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

ARTICLE 2

(1) The term "literary and artistic works" shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons, and other works of the same nature; dramatic or dramatico-musical works, choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; works of drawing, painting, architecture, sculpture, engraving and lithography; illustrations, geo-

NOTE: The Rome Act was signed by the following 33 countries: Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Lebanon, Luxembourg, Monaco, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Spain, Syria, Sweden, Switzerland, Tunisia, and the United Kingdom.

graphical charts, plans, sketches, and plastic works relative to geography, topography, architecture or science.

(2) Translations, adaptations, arrangements of music and other reproductions in an altered form of a literary or artistic work, as well as collections of different works, shall be protected as original works without prejudice to the rights of the author of the original work.

(3) The countries of the Union shall be bound to make provision for the protection of the above-mentioned works.

(4) Works of art applied to industrial purposes shall be protected so far as the domestic legislation of each country allows.

ARTICLE 2 *bis*

(1) The right of partially or wholly excluding political speeches and speeches delivered in legal proceedings from the protection provided by the preceding Article is reserved for the domestic legislation of each country of the Union.

(2) The right of fixing the conditions under which lectures, addresses, sermons and other works of the same nature may be reproduced by the press is also reserved for the domestic legislation of each country of the Union. Nevertheless, the author shall have the sole right of making a collection of the said works.

ARTICLE 3

The present Convention shall apply to photographic works and to works produced by a process analogous to photography. The countries of the Union shall be bound to make provision for their protection.

ARTICLE 4

(1) Authors who are nationals of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which the respective laws do

now or may hereafter grant to natives, as well as the rights specially granted by the present Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the express stipulations of the present Convention, the extent of protection, as well as the means of redress secured to the author to safeguard his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) The country of origin of the work shall be considered to be: in the case of unpublished works, the country to which the author belongs; in the case of published works, the country of first publication; and in the case of works published simultaneously in several countries of the Union, the country the laws of which grant the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin.

(4) By “published works” must be understood, for the purposes of the present Convention, works copies of which have been issued to the public. The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, and the construction of a work of architecture shall not constitute a publication.

ARTICLE 5

Authors who are nationals of one of the countries of the Union and who first publish their works in another country of the Union shall have in the latter country the same rights as native authors.

ARTICLE 6

(1) Authors who are not nationals of one of the countries of the Union, and who first publish their works in one of those

countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by the present Convention.

(2) Nevertheless, where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are at the date of the first publication thereof nationals of the other country and are not effectively domiciled in one of the countries of the Union.

(3) No restrictions introduced by virtue of the preceding paragraph shall in any way affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put in force.

(4) The countries of the Union which restrict the grant of copyright in accordance with the present Article shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the countries in regard to which protection is restricted and the restrictions to which rights of authors who are nationals of those countries are subjected. The Government of the Swiss Confederation will immediately communicate this declaration to all the countries of the Union.

ARTICLE 6 *bis*

(1) Independently of the author's copyright, and even after transfer of the said copyright, the author shall have the right to claim authorship of the work, as well as the right to object to any distortion, mutilation or other modification of the said work which would be prejudicial to his honour or reputation.

(2) The determination of the conditions under which these rights shall be exercised is reserved for the national legislation of the countries of the Union. The means of redress for safeguarding these rights shall be regulated by the legislation of the country where protection is claimed.

ARTICLE 7

(1) The term of protection granted by the present Convention shall be the life of the author and fifty years after his death.

(2) However, in case such term of protection should not be uniformly adopted by all the countries of the Union, the term shall be regulated by the law of the country where protection is claimed, and must not exceed the term fixed in the country of origin of the work. Consequently, the countries of the Union shall only be bound to apply the provisions of the preceding paragraph in so far as such provisions are consistent with their domestic laws.

(3) For photographic works and works produced by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, provided that the said term shall not exceed the term fixed in the country of origin of the work.

ARTICLE 7 *bis*

(1) The term of copyright protection belonging in common to joint authors of a work shall be calculated according to the date of the death of the last surviving author.

(2) Authors who are nationals of the countries which grant a term of protection shorter than that mentioned in paragraph (1) cannot claim a longer term of protection in the other countries of the Union.

(3) In no case may the term of protection expire before the death of the last surviving author.

ARTICLE 8

The authors of unpublished works, who are nationals of one of the countries of the Union, and the authors of works first published in one of those countries, shall enjoy, in the other countries of the Union, during the whole term of the right in the original work, the exclusive right of making or authorizing a translation of their works.

ARTICLE 9

(1) Serial stories, tales, and all other works, whether literary, scientific, or artistic, whatever their object, published in the newspapers or periodicals of one of the countries of the Union may not be reproduced in the other countries without the consent of the authors.

(2) Articles on current economic, political or religious topics may be reproduced by the press unless the reproduction thereof is expressly reserved. Nevertheless, the source must always be clearly indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

(3) The protection of the present Convention shall not apply to news of the day or to miscellaneous information which is simply of the nature of items of news.

ARTICLE 10

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational purposes, or having a scientific character, or for chrestomathies, the effect of the legislation of the countries of the Union and of special Arrangements existing, or to be concluded, between them is not affected by the present Convention.

ARTICLE 11

(1) The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works and to the public performance of musical works, whether such works be published or not.

(2) Authors of dramatic or dramatico-musical works shall be protected during the existence of their right over the original work against the unauthorized public representation of translations of their works.

(3) In order to enjoy the protection of the present Article, authors shall not be bound in publishing their works to forbid the public representation or performance thereof.

ARTICLE 11 *bis*

(1) Authors of literary and artistic works shall enjoy the exclusive right of authorizing the communication of their works to the public by radio-diffusion.

(2) The national legislations of the countries of the Union may regulate the conditions under which the right mentioned in the preceding paragraph shall be exercised, but the effect of those conditions will be strictly limited to the countries which have put them in force. Such conditions shall not in any case prejudice the moral right (*droit moral*) of the author, nor the right which belongs to the author to obtain an equitable remuneration which shall be fixed, failing agreement, by the competent authority.

ARTICLE 12

The following shall be specially included among the unlawful reproductions to which the present Convention applies: unauthorized indirect appropriations of a literary or artistic work, such as adaptations, musical arrangements, transformations of a novel, tale, or piece of poetry, into a dramatic piece and vice versa, etc., when they are only the reproduction of that work, in the same form or in another form, without essential alterations, additions, or abridgments and do not present the character of a new original work.

ARTICLE 13

(1) The authors of musical works shall have the exclusive right of authorizing: (i) the adaptation of those works to instruments which can reproduce them mechanically; (ii) the public performance of the said works by means of these instruments.

(2) Reservations and conditions relating to the application of this Article may be determined by the domestic legislation of each

country in so far as it is concerned; but the effect of any such reservations and conditions will be strictly limited to the country which has put them in force.

(3) The provisions of paragraph (1) shall not be retroactive, and consequently shall not be applicable in any country of the Union to works which have been lawfully adapted in that country to mechanical instruments before the coming into force of the Convention signed at Berlin on the 13th November, 1908, and in the case of a country which has acceded to the Union since that date, or accedes in the future, before the date of its accession.

(4) Adaptations made in virtue of paragraphs (2) and (3) of the present Article, and imported without the authority of the interested parties into a country where they would not be lawful, shall be liable to seizure in that country.

ARTICLE 14

(1) Authors of literary, scientific or artistic works shall have the exclusive right of authorizing the reproduction, adaptation and public presentation of their works by cinematography.

(2) Cinematographic productions shall be protected as literary or artistic works if the author has given the work an original character. If this character is absent, the cinematographic production shall enjoy protection as a photographic work.

(3) Without prejudice to the rights of the author of the work reproduced or adapted, a cinematographic work shall be protected as an original work.

(4) The above provisions apply to reproduction or production effected by any other process analogous to cinematography.

ARTICLE 15

(1) 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 pro-

ceedings 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.

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

ARTICLE 16

(1) Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

(2) In such a country the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

(3) The seizure shall take place in accordance with the domestic legislation of each country.

ARTICLE 17

The provisions of the present Convention cannot in any way affect 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 18

(1) The present Convention shall apply 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 through the expiration of the term of protection.

(2) If, however, through the expiration of the term of protection which was previously granted, a work has fallen into the public

domain of the country where protection is claimed, that work shall not be protected anew in that country.

(3) The application of this principle shall take effect according to the stipulations contained in special Conventions existing, or to be concluded, to that effect between countries of the Union. In the absence of such stipulations, the respective countries shall regulate, each in so far as it is concerned, the manner in which the said principle is to be applied.

(4) The above provisions shall apply equally in case of new accessions to the Union, and also in the event of the term of protection being extended by the application of Article 7 or by abandonment of reservations.

ARTICLE 19

The provisions of the present Convention shall not prevent a claim being made for the application of any wider provisions which may be made by the legislation of a country of the Union in favour of foreigners in general.

ARTICLE 20

The Governments of the countries of the Union reserve to themselves the right to enter into special Arrangements between each other, provided always that such Arrangements confer upon authors more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention. The provisions of existing Arrangements which satisfy the above-mentioned conditions shall remain applicable.

ARTICLE 21

(1) The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

(2) That Office is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

- (3) The official language of the Office shall be French.

ARTICLE 22

(1) The International Office collects every kind of information relative to the protection of the rights of authors over their literary and artistic works. It arranges and publishes such information. It undertakes the study of questions of general interest concerning the Union and, by the aid of documents placed at its disposal by the different Administrations, edits a periodical publication in the French language on the questions which concern the purpose of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize 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.

(2) 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 which they may require relative to the protection of literary and artistic works.

(3) The Director of the International Office shall make an annual report on his administration, which shall be communicated to all the members of the Union.

ARTICLE 23

(1) The expenses of the Office of the International Union shall be shared by the countries of the Union. Until a fresh arrangement be made, they cannot exceed the sum of 120,000 Swiss francs a year. This sum may be increased, if necessary, by the unanimous decision of one of the Conferences provided for in Article 24.

(2) The share of the total expense to be paid by each country shall be determined by the division of the countries of the Union and those subsequently acceding to the Union into six classes, each of which shall contribute in the proportion of a certain number of units, viz.:

1st class	. . . . .	25	units
2nd	”	20	”
3rd	”	15	”
4th	”	10	”
5th	”	5	”
6th	”	3	”

(3) These coefficients are multiplied by the number of countries of each class, and the total product thus obtained gives the number of units by which the total expense is to be divided. The quotient gives the amount of the unit of expense.

(4) Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed, but it may subsequently declare that it wishes to be placed in another class.

(5) The Swiss Administration prepares the budget of the Office, superintends its expenditure, makes the necessary advances, and draws up the annual account which shall be communicated to all the other Administrations.

ARTICLE 24

(1) The present Convention may be submitted to revisions for the purpose of introducing therein amendments intended to perfect the system of the Union.

(2) Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet prepares, with the assistance of the International Office, the programme of the Conference. The Director of the Office shall attend at the sittings of the Conferences, and shall take part in the discussions without the right to vote.

(3) No alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

ARTICLE 25

(1) Countries outside the Union which make provision for the legal protection of the rights forming the object of the present Convention may accede thereto on request to that effect.

(2) 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.

(3) Such accession shall imply full acceptance of all the clauses and admission to all the advantages provided by the present Convention, and shall take effect one month after the date of the notification made by the Government of the Swiss Confederation to the other unionist countries, unless some later date has been indicated by the acceding country. It may, nevertheless, contain an indication that the acceding country wishes to substitute, provisionally at least, for Article 8, which relates to translations, the provisions of Article 5 of the Convention of 1886 revised at Paris in 1896, on the understanding that those provisions shall apply only to translations into the language or languages of that country.

ARTICLE 26

(1) Any country of the Union may at any time notify in writing to the Government of the Swiss Confederation that the present Convention shall apply to all or any of its colonies, protectorates, territories under mandate or any other territories subject to its sovereignty or to its authority, or any territories under suzerainty, and the Convention shall thereupon apply to all the territories named in such notification. Failing such notification, the Convention shall not apply to any such territories.

(2) Any country of the Union may at any time notify in writing to the Government of the Swiss Confederation that the present Convention shall cease to apply to all or any of the territories which have been made the subject of a notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in the notification given under this paragraph

twelve months after the receipt of the latter notification by the Government of the Swiss Confederation.

(3) All notifications given to the Government of the Swiss Confederation in accordance with the provisions of paragraphs (1) and (2) of the present Article shall be communicated by that Government to all the countries of the Union.

ARTICLE 27

(1) The present Convention shall replace, in regard to the relations between the countries of the Union, the Convention of Berne of the 9th September, 1886, and the subsequent revisions thereof. The instruments previously in force shall continue to be applicable in regard to relations with countries which do not ratify the present Convention.

(2) The countries on whose behalf the present Convention is signed may retain the benefit of the reservations which they have previously formulated on condition that they make a declaration to that effect at the time of the deposit of their ratifications.

(3) The countries which are actually members of the Union, but on whose behalf the present Convention is not signed, may adhere to the Convention at any time. In that event they may enjoy the benefit of the provisions of the preceding paragraph.

ARTICLE 28

(1) The present Convention shall be ratified, and the ratifications deposited at Rome, not later than the 1st July, 1931.

(2) It shall come into force, between the countries which have ratified it, one month after that date; nevertheless, if before that date it has been ratified by at least six countries of the Union, it shall come into force between those countries one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation and, in the case of countries which ratify thereafter, one month after the notification of each of such ratifications.

(3) Until the 1st August, 1931, countries outside the Union may adhere to the Union by acceding either to the Convention signed at Berlin on the 13th November 1908, or to the present Convention. On or after the 1st August, 1931, they may accede only to the present Convention.

ARTICLE 29

(1) The present Convention shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

(2) Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.

ARTICLE 30

(1) The countries which shall introduce in their legislation the duration of protection for fifty years contemplated by Article 7, paragraph (1), of the present Convention, shall give notice thereof in writing to the Government of the Swiss Confederation, who will communicate it at once to all the other countries of the Union.

(2) The same procedure shall be followed in the case of the countries renouncing the reservations made or maintained by them in virtue of Articles 25 and 27.

SECTION E 2

STATES WHICH HAVE RATIFIED THE
ROME ACT OR HAVE ACCEDED TO IT

State	Date on which the State became bound by the Rome Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Australia	January 18, 1935	1935, 3
Austria	July 1, 1936	1936, 73
Belgium	October 7, 1934	1934, 109
Brazil	June 1, 1933	1933, 49
Bulgaria	August 1, 1931	1931, 73
Canada	August 1, 1931	1931, 96
Ceylon (1)	June 24, 1959	1959, 205
Czechoslovakia	November 30, 1936	1936, 121
Danzig	August 1, 1931	1932, 38
Denmark	September 16, 1933	1933, 97
Finland	August 1, 1931	1932, 38
France (2)	December 22, 1933	1933, 133
Germany (3)	October 21, 1933	1933, 109

(1) This ratification is subject to the following *reservation*:
“ . . . the Government of Ceylon . . . reserves for itself the right to enact local legislation for the translation of educational, scientific and technical books into the national language.” (*Le Droit d'Auteur*, 1959, page 205).

(2) This ratification is subject to the following *reservation*: Article 2, paragraph 4, of the Act is replaced by the relevant provisions of the texts adopted prior to the Berlin Act, 1908 (Article 4 of the Berne Convention, 1886, *cf. Le Droit d'Auteur*, 1956, page 2), *in respect of works of art applied to industry*.

(3) See *Le Droit d'Auteur*, 1955, p. 149, concerning the application of the Rome Act on the territory of the German Democratic Republic.

BERNE CONVENTION: ROME ACT, 1928

State	Date on which the State became bound by the Rome Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Greece (4)	February 25, 1932	1932, 13
Holy See	September 12, 1935	1935, 97
Hungary	August 1, 1931	1931, 96
Iceland (5)	September 7, 1947	1947, 85
India	August 1, 1931	1931, 96
Indonesia (6)	August 1, 1931; December 27, 1949	1956, 93
Ireland (7)	June 11, 1935	1935, 61
Israel	March 24, 1950	1950, 62
Italy	August 1, 1931	1932, 40
Japan (8)	August 1, 1931	1931, 73
Lebanon (9)	December 24, 1933	1933, 133
Latvia	May 15, 1937	1937, 4

(4) This ratification is subject to the following *reservations*: Articles 8 and 11 of the Act are replaced by Articles 5 and 9 of the Berne Convention, 1886, *in respect of the exclusive right of authors to make or to authorize the translation of their works, and the right of public performance of dramatic, dramatico-musical and musical works.*

In acceding to the Brussels Act, 1948, as of January 6, 1957, Greece has not retained the benefit of the previous reservations.

(5) This accession is subject to the following *reservation*: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, *in respect of the exclusive right of translation into the Icelandic language.*

(6) The first date indicates the day on which the Netherlands East Indies became bound by the Convention pursuant to a notification of the Government of the Netherlands. The second date indicates the day on which Indonesia became bound by the Convention. Indonesia denounced the Convention on February 19, 1959, with effect from February 19, 1960 (*Le Droit d'Auteur*, 1959, page 79).

(7) This ratification is subject to the following *reservation*: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, *in respect of the exclusive right of translation into the Irish language.*

In acceding to the Brussels Act, 1948, as of July 5, 1959, Ireland did not wish to retain the benefit of any reservations previously formulated on its behalf.

(8) This ratification is subject to the following *reservation*: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, *in respect of the exclusive right of authors to make or to authorize the translation of their works.*

(9) See *Le Droit d'Auteur*, 1947, page 109.

BERNE CONVENTION: ROME ACT, 1928

State	Date on which the State became bound by the Rome Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Liechtenstein	August 30, 1931	1931, 85
Luxembourg	February 4, 1932	1932, 14
Monaco	June 9, 1933	1933, 61
Morocco	November 25, 1934	1934, 121
Netherlands	August 1, 1931	1931, 96
New Zealand	December 4, 1947	1947, 121
Norway	August 1, 1931	1931, 96
Pakistan	July 5, 1948	1948, 61
Poland	November 21, 1935	1935, 121
Portugal	July 29, 1937	1937, 73
Rumania	August 6, 1936	1936, 73
Spain	April 23, 1933	1933, 37
Sweden	August 1, 1931	1931, 96
Switzerland	August 1, 1931	1931, 61
Syria (10)	December 24, 1933	1933, 133
Tunisia (2)	December 22, 1933	1933, 133
Union of South Africa .	May 27, 1935	1935, 49
United Kingdom	August 1, 1931	1931, 96
Yugoslavia (11)	August 1, 1931	1930, 85

(10) The Rome Act, 1928, continued in force in the Region of Syria, United Arab Republic, until, by a Note dated January 12, 1961, the latter denounced this Act with effect from January 12, 1962 (*Le Droit d'Auteur*, 1961, page 70).

(11) This accession is subject to the following *reservation*: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, *in respect of the exclusive right of translation into the national languages of Yugoslavia*.

BRUSSELS ACT, 1948

Brussels
1948



SECTION F 1

BRUSSELS ACT, 1948

**BERNE CONVENTION FOR THE PROTECTION
OF LITERARY AND ARTISTIC WORKS**

**Signed on the 9th September, 1886, Completed at Paris on the
4th May, 1896, Revised at Berlin on the 13th November, 1908,
Completed at Berne on the 20th March, 1914, Revised at Rome
on the 2nd June, 1928, and Revised at Brussels
on the 26th June, 1948**

ARTICLE 1

The countries to which this Convention applies constitute a Union for the protection of the rights of authors over their literary and artistic works.

ARTICLE 2

(1) The term " literary and artistic works " shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons and other works of the same nature; dramatic or dramatico-musical works; choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; cinematographic works and works pro-

NOTE: The Brussels Act was signed by the following 34 countries: Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Finland, France, Greece, Holy See, Hungary, Iceland, India, Ireland, Italy, Lebanon, Liechtenstein, Luxembourg, Monaco, Morocco, New Zealand, the Netherlands, Norway, Pakistan, Portugal, Spain, Sweden, Switzerland, Syria, Tunisia, the Union of South Africa, the United Kingdom, and Yugoslavia.

duced by a process analogous to cinematography; works of drawing, painting, architecture, sculpture, engraving and lithography; photographic works and works produced by a process analogous to photography; works of applied art; illustrations, geographical charts, plans, sketches and plastic works relative to geography, topography, architecture or science.

(2) Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the rights of the author of the original work. It shall, however, be a matter for legislation in the countries of the Union to determine the protection to be granted to translations of official texts of a legislative, administrative and legal nature.

(3) Collections of literary or artistic works such as encyclopaedias and anthologies which by reason of the selection and arrangement of their contents constitute intellectual creations shall be protected as such without prejudice to the rights of the authors in respect of each of the works forming part of such collections.

(4) The works mentioned in this Article shall enjoy protection in all countries of the Union. This protection shall operate for the benefit of the author and his legal representatives and assignees.

(5) It shall be a matter for legislation in the countries of the Union to determine the extent of the application of their laws to works of applied art and industrial designs and models, as well as the conditions under which such works, designs and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in other countries of the Union only to such protection as shall be accorded to designs and models in such countries.

ARTICLE 2 *bis*

(1) It shall be a matter for legislation in the countries of the Union to exclude wholly or in part from the protection afforded by the preceding Article political speeches and speeches delivered in the course of legal proceedings.

(2) It shall also be a matter for legislation in the countries of the Union to determine the conditions under which lectures, addresses, sermons and other works of the same nature may be reproduced by the press.

(3) Nevertheless, the author alone shall have the right of making a collection of his works mentioned in the above paragraphs.

ARTICLE 3 *[omitted]*

ARTICLE 4

(1) Authors who are nationals of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) The country of origin shall be considered to be, in the case of published works, the country of first publication, even in the case of works published simultaneously in several countries of the Union which grant the same term of protection; in the case of works published simultaneously in several countries of the Union which grant different terms of protection, the country of which the legislation grants the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin. A work shall be considered

as having been published simultaneously in several countries which has been published in two or more countries within thirty days of its first publication.

(4) For the purposes of Articles 4, 5 and 6, “published works” shall be understood to be works copies of which have been issued and made available in sufficient quantities to the public, whatever may be the means of manufacture of the copies. The presentation of a dramatic, dramatico-musical or cinematographic work, the performance of a musical work, the public recitation of a literary work, the transmission or the radio-diffusion of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

(5) The country of origin shall be considered to be, in the case of unpublished works, the country to which the author belongs. However, in the case of works of architecture, or of graphic and plastic works forming part of a building, the country of the Union where these works have been built or incorporated in a building shall be considered as the country of origin.

ARTICLE 5

Authors who are nationals of one of the countries of the Union, and who first publish their works in another country of the Union, shall have in the latter country the same rights as native authors.

ARTICLE 6

(1) Authors who are not nationals of one of the countries of the Union, and who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by this Convention.

(2) Nevertheless, where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are,

at the date of the first publication thereof, nationals of the other country and are not effectively domiciled in one of the countries of the Union. If the country of first publication avails itself of this right, the other countries of the Union shall not be required to grant to works thus subjected to special treatment a wider protection than that granted to them in the country of first publication.

(3) No restrictions introduced by virtue of the preceding paragraph shall affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put into force.

(4) The countries of the Union which restrict the grant of copyright in accordance with this Article shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the countries in regard to which protection is restricted, and the restrictions to which rights of authors who are nationals of those countries are subjected. The Government of the Swiss Confederation shall immediately communicate this declaration to all the countries of the Union.

ARTICLE 6 *bis*

(1) Independently of the author's copyright, and even after the transfer of the said copyright, the author shall have the right, during his lifetime, to claim authorship of the work and to object to any distortion, mutilation or other alteration thereof, or any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) In so far as the legislation of the countries of the Union permits, the rights granted to the author in accordance with the preceding paragraph shall, after his death, be maintained, at least until the expiry of the copyright, and shall be exercisable by the persons or institutions authorized by the said legislation. The determination of the conditions under which the rights mentioned in this paragraph shall be exercised shall be governed by the legislation of the countries of the Union.

(3) The means of redress for safeguarding the rights granted by this Article shall be governed by the legislation of the country where protection is claimed.

ARTICLE 7

(1) The term of protection granted by this Convention shall be the life of the author and fifty years after his death.

(2) However, where one or more countries of the Union grant a term of protection in excess of that provided by paragraph (1), the term shall be governed by the law of the country where protection is claimed, but shall not exceed the term fixed in the country of origin of the work.

(3) In the case of cinematographic and photographic works, as well as works produced by a process analogous to cinematography or photography, and in the case of works of applied art, the term of protection shall be governed by the law of the country where protection is claimed, but shall not exceed the term fixed in the country of origin of the work.

(4) In the case of anonymous and pseudonymous works the term of protection shall be fixed at fifty years from the date of their publication. However, when the pseudonym adopted by the author leaves no doubt as to his identity, the term of protection shall be that provided in paragraph (1). If the author of an anonymous or pseudonymous work discloses his identity during the above-mentioned period, the term of protection applicable shall be that provided in paragraph (1).

(5) In the case of posthumous works which do not fall within the categories of works included in paragraphs (3) and (4) the term of the protection afforded to the heirs and the legal representatives and assignees of the author shall end at the expiry of fifty years after the death of the author.

(6) The term of protection subsequent to the death of the author and the terms provided by paragraphs (3), (4) and (5) shall run from the date of his death or of publication, but such terms shall

always be deemed to begin on the 1st January of the year following the event which gives rise to them.

ARTICLE 7 *bis*

In the case of a work of joint authorship the term of protection shall be calculated from the date of the death of the last surviving author.

ARTICLE 8

Authors of literary and artistic works protected by this Convention shall have the exclusive right of making and of authorizing the translation of their works throughout the term of protection of their rights in the original works.

ARTICLE 9

(1) Serial novels, short stories and all other works, whether literary, scientific or artistic, whatever their purpose, and which are published in the newspapers or periodicals of one of the countries of the Union shall not be reproduced in the other countries without the consent of the authors.

(2) Articles on current economic, political or religious topics may be reproduced by the press unless the reproduction thereof is expressly reserved; nevertheless, the source must always be clearly indicated. The legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

(3) The protection of this Convention shall not apply to news of the day nor to miscellaneous information having the character of mere items of news.

ARTICLE 10

(1) It shall be permissible in all the countries of the Union to make short quotations from newspaper articles and periodicals, as well as to include them in press summaries.

(2) The right to include excerpts from literary or artistic works in educational or scientific publications, or in chrestomathies, in so far as this inclusion is justified by its purpose, shall be a matter for legislation in the countries of the Union, and for special Arrangements existing or to be concluded between them.

(3) Quotations and excerpts shall be accompanied by an acknowledgment of the source and by the name of the author, if his name appears thereon.

ARTICLE 10 *bis*

It shall be a matter for legislation in countries of the Union to determine the conditions under which recording, reproduction, and public communication of short extracts from literary and artistic works may be made for the purpose of reporting current events by means of photography or cinematography or by radio-diffusion.

ARTICLE 11

(1) The authors of dramatic, dramatico-musical or musical works shall enjoy the exclusive right of authorizing: (i) the public presentation and public performance of their works; (ii) the public distribution by any means of the presentation and performance of their works. The application of the provisions of Articles 11 *bis* and 13 is, however, reserved.

(2) Authors of dramatic or dramatico-musical works, during the full term of their rights over the original works, shall enjoy the same rights with respect to translations thereof.

(3) In order to enjoy the protection of this Article, authors shall not be bound, when publishing their works, to forbid the public presentation or performance thereof.

ARTICLE 11 *bis*

(1) Authors of literary and artistic works shall have the exclusive right of authorizing: (i) the radio-diffusion of their works or the

communication thereof to the public by any other means of wireless diffusion of signs, sounds or images; (ii) any communication to the public, whether over wires or not, of the radio-diffusion of the work, when this communication is made by a body other than the original one; (iii) the communication to the public by loudspeaker or any other similar instrument transmitting, by signs, sounds or images, the radio-diffusion of the work.

(2) It shall be a matter for legislation in the countries of the Union to determine the conditions under which the rights mentioned in the preceding paragraph may be exercised, but these conditions shall apply only in the countries where they have been prescribed. They shall not in any circumstances be prejudicial to the moral right of the author, nor to his right to obtain just remuneration which, in the absence of agreement, shall be fixed by competent authority.

(3) Except where otherwise provided, permission granted in accordance with paragraph (1) of this Article shall not imply permission to record the radio-diffused work by means of instruments recording sounds or images. It shall, however, be a matter for legislation in the countries of the Union to determine the regulations for ephemeral recordings made by a broadcasting body by means of its own facilities and used for its own emissions. The preservation of these recordings in official archives may, on the ground of their exceptional documentary character, be authorized by such legislation.

ARTICLE 11 *ter*

Authors of literary works shall enjoy the exclusive right of authorizing the public recitation of their works.

ARTICLE 12

Authors of literary, scientific or artistic works shall enjoy the exclusive right of authorizing adaptations, arrangements and other alterations of their works.

ARTICLE 13

(1) Authors of musical works shall have the exclusive right of authorizing: (i) the recording of such works by instruments capable of reproducing them mechanically; (ii) the public performance by means of such instruments of works thus recorded.

(2) Reservations and conditions relating to the application of the rights mentioned in the preceding paragraph may be determined by legislation in each country of the Union, in so far as it may be concerned; but all such reservations and conditions shall apply only in the countries which have prescribed them and shall not, in any circumstances, be prejudicial to the author's right to obtain just remuneration which, in the absence of agreement, shall be fixed by competent authority.

(3) The provisions of paragraph (1) of this Article shall not be retroactive and consequently shall not be applicable in a country of the Union to works which, in that country, may have been lawfully adapted to mechanical instruments before the coming into force of the Convention signed in Berlin on the 13th November 1908, and, in the case of a country having acceded to the Convention since that date or acceding to it in the future, before the date of its accession.

(4) Recordings made in accordance with paragraphs (2) and (3) of this Article and imported without permission from the parties concerned into a country where they are not lawfully allowed shall be liable to seizure.

ARTICLE 14

(1) Authors of literary, scientific or artistic works shall have the exclusive right of authorizing: (i) the cinematographic adaptation and reproduction of these works, and the distribution of the works thus adapted or reproduced; (ii) the public presentation and performance of the works thus adapted or reproduced.

(2) Without prejudice to the rights of the author of the work adapted or reproduced, a cinematographic work shall be protected as an original work.

(3) The adaptation under any other artistic form of cinematographic productions derived from literary, scientific or artistic works shall, without prejudice to the authorization of their authors, remain subject to the authorization of the author of the original work.

(4) Cinematographic adaptations of literary, scientific or artistic works shall not be subject to the reservations and conditions contained in Article 13, paragraph (2).

(5) The provisions of this Article shall apply to reproduction or production effected by any other process analogous to cinematography.

ARTICLE 14 *bis*

(1) The author, or after his death the persons or institutions authorized by national legislation, shall, in respect of original works of art and original manuscripts of writers and composers, enjoy the inalienable right to an interest in any sale of the work subsequent to the first disposal of the work by the author.

(2) The protection provided by the preceding paragraph may be claimed in a country of the Union only if legislation in the country to which the author belongs so permits, and to the degree permitted by the country where this protection is claimed.

(3) The procedure for collection and the amounts shall be matters for determination by national legislation.

ARTICLE 15

(1) In order that the author of a literary or artistic work protected by this Convention shall, in the absence of proof to the contrary, be regarded as such, and consequently be entitled to institute infringement proceedings in countries of the Union, it shall be sufficient for his name to appear on the work in the usual manner. This paragraph shall be applicable even if this name is a pseudonym, where the pseudonym adopted by the author leaves no doubt as to his identity.

(2) In the case of anonymous and pseudonymous works, other than those referred to in the preceding paragraph, the publisher whose name appears on the work shall, in the absence of proof to the contrary, be regarded as representing the author, and in this capacity he shall be entitled to protect and enforce the author's rights. The provisions of this paragraph shall cease to apply if the author reveals his identity and establishes his claim to authorship of the work.

ARTICLE 16

(1) Works infringing copyright may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.

(2) In these countries the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

(3) The seizure shall take place in accordance with the legislation of each country.

ARTICLE 17

The provisions of this Convention cannot in any way affect the right of the Government of each country of the Union to permit, to control, or to prohibit by legislation or regulation, the circulation, presentation, or exhibition of any work or production in regard to which the competent authority may find it necessary to exercise that right.

ARTICLE 18

(1) This Convention shall apply 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 through the expiry of the term of protection.

(2) If, however, through the expiry of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew.

(3) The application of this principle shall be in accordance with the provisions contained in special Conventions to that

effect existing or to be concluded between countries of the Union. In the absence of such provisions, the respective countries shall determine, each in so far as it is concerned, the manner in which the said principle is to be applied.

(4) The above provisions shall apply equally in the case of new accessions to the Union, and in the event of protection being extended by the application of Article 7 or by abandonment of reservations.

ARTICLE 19

The provisions of this Convention shall not preclude the making of a claim to the benefit of any wider provisions which may be afforded by legislation in a country of the Union.

ARTICLE 20

The Governments of the countries of the Union reserve to themselves the right to enter into special Arrangements between each other, in so far as such Arrangements shall confer upon authors more extended rights than those granted by the Convention, or embody other provisions not contrary to this Convention. The provisions of existing Arrangements which satisfy these conditions shall remain applicable.

ARTICLE 21

(1) The International Office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

(2) That Office shall be placed under the high authority of the Government of the Swiss Confederation, which shall regulate its organization and supervise its working.

(3) The official language of the Office shall be the French language.

ARTICLE 22

(1) The International Office shall collect information of every kind relating to the protection of the rights of authors over their

literary and artistic works. It shall co-ordinate and publish such information. It shall undertake the study of questions of general interest to the Union and, by the aid of documents placed at its disposal by the different Administrations, it shall edit a periodical publication in the French language on questions which concern the purpose of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize by agreement the publication by the Office of an edition in one or more other languages if, by experience, this should be shown to be necessary.

(2) The International Office shall always place itself at the disposal of members of the Union in order to provide them with any special information which they may require relating to the protection of literary and artistic works.

(3) The Director of the International Office shall make an annual report on his administration, which shall be communicated to all the members of the Union.

ARTICLE 23

(1) The expenses of the Office of the International Union shall be shared by the countries of the Union. Until a fresh arrangement is made, they shall not exceed the amount of one hundred and twenty thousand gold francs a year.¹ This amount may be increased, if necessary, by unanimous decision of the countries of the Union or of one of the Conferences provided for in Article 24.

(2) The share of the total expense to be paid by each country shall be determined by the division of the countries of the Union and those subsequently adhering to the Union into six classes, each of which shall contribute in the proportion of a certain number of units, viz.:

1st class	. . . . .	25	units
2nd "	. . . . .	20	"
3rd "	. . . . .	15	"

¹This monetary unit is the gold franc of 100 centimes, weighing 10/31 of a gramme and of a fineness of 0.900.

4th	''	. . . . .	10	''
5th	''	. . . . .	5	''
6th	''	. . . . .	3	''

(3) These coefficients shall be multiplied by the number of countries 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 unit of expense.

(4) Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed, but it may subsequently declare that it wishes to be placed in another class.

(5) The Swiss Administration shall prepare the budget of the Office, supervise its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

ARTICLE 24

(1) This Convention may be submitted to revision for the purpose of introducing improvements intended to perfect the system of the Union.

(2) Questions of this kind, as well as those which in other respects concern the development of the Union, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet shall, with the assistance of the International Office, prepare the programme of the Conference. The Director of the Office shall attend the sessions of the Conferences, and may take part in the discussions, but without the right to vote.

(3) No alteration in this Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

ARTICLE 25

(1) Countries outside the Union which make provision for the legal protection of the rights forming the object of this Convention may accede thereto upon request.

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

(3) Such accession shall imply full acceptance of all the clauses and admission to all the advantages provided by this Convention, and shall take effect one month after the date of the notification made by the Government of the Swiss Confederation to the other countries of the Union, unless some later date has been indicated by the acceding country. It may, nevertheless, contain an indication that the acceding country wishes to substitute, provisionally at least, for Article 8, which relates to translations, the provisions of Article 5 of the Convention of 1886 revised at Paris in 1896, on the understanding that those provisions shall apply only to translations into the language or languages of that country.

ARTICLE 26

(1) Any country of the Union may at any time in writing notify the Swiss Government that this Convention shall apply to its overseas territories, colonies, protectorates, territories under its trusteeship, or to any other territory for the international relations of which it is responsible, and the Convention shall thereupon apply to all the territories named in such notification, as from a date determined in accordance with Article 25, paragraph (3). In the absence of such notification, the Convention shall not apply to such territories.

(2) Any country of the Union may at any time in writing notify the Government of the Swiss Confederation that this Convention shall cease to apply to all or any of the territories which have been made the subject of a notification under the preceding paragraph, and the Convention shall cease to apply in the territories named

in such notification twelve months after its receipt by the Government of the Swiss Confederation.

(3) All notifications given to the Government of the Swiss Confederation in accordance with the provisions of paragraph (1) and (2) of this Article shall be communicated by that Government to all the countries of the Union.

ARTICLE 27

(1) This Convention shall replace, in relations between the countries of the Union, the Convention of Berne of the 9th September 1886, and the subsequent revisions thereof. The Instruments previously in force shall continue to be applicable in relations with countries which do not ratify this Convention.

(2) The countries on whose behalf this Convention is signed may retain the benefit of the reservations which they have previously formulated, on condition that they make a declaration to that effect at the time of the deposit of their ratifications.

(3) Countries which are at present members of the Union, but on whose behalf this Convention is not signed, may accede to it at any time, in the manner provided for in Article 25. In that event they shall enjoy the benefit of the provisions of the preceding paragraph.

ARTICLE 27 *bis*

A dispute between two or more countries of the Union concerning the interpretation or application of this Convention, not settled by negotiation, shall be brought before the International Court of Justice for determination by it, unless the countries concerned agree on some other method of settlement. The country requesting that the dispute should be brought before the Court shall inform the International Office; the Office shall bring the matter to the attention of the other countries of the Union.

ARTICLE 28

(1) This Convention shall be ratified, and the ratifications deposited at Brussels, not later than the 1st July 1951. The ratifica-

tions, with the dates thereof and all declarations which may accompany them, shall be communicated by the Belgian Government to the Government of the Swiss Confederation, which shall notify the other countries of the Union thereof.

(2) This Convention shall come into force, between the countries which have ratified it, one month after the 1st July 1951. Nevertheless, if before that date it has been ratified by at least six countries of the Union, it shall come into force between those countries one month after the notification to them by the Government of the Swiss Confederation of the deposit of the sixth ratification and, in the case of countries which ratify thereafter, one month after the notification of each of such ratifications.

(3) Until the 1st July 1951, countries outside the Union may join it by acceding either to the Convention signed at Rome on the 2nd June 1928, or to this Convention. On or after the 1st July 1951, they may accede only to this Convention. The countries of the Union which shall not have ratified this Convention by the 1st July 1951 may accede thereto in accordance with the procedure provided by Article 25. In this event they shall be entitled to the benefit of the provisions of Article 27, paragraph (2).

ARTICLE 29

(1) This Convention shall remain in force for an indefinite period. Nevertheless, each country of the Union shall be entitled to denounce it at any time, by means of a notification in writing addressed to the Government of the Swiss Confederation.

(2) This denunciation, which shall be communicated by the Government of the Swiss Confederation to all the other countries of the Union, shall take effect only in respect of the country making it, and twelve months after the receipt of the notification of denunciation addressed to the Government of the Swiss Confederation. The Convention shall remain in full force and effect for the other countries of the Union.

(3) The right of denunciation provided by this Article shall not be exercised by any country before the expiry of five years from the date of its ratification or accession.

ARTICLE 30

(1) Countries which introduce into their legislation the term of protection of fifty years provided by Article 7, paragraph (1), of this Convention shall give notice thereof in writing to the Government of the Swiss Confederation, which shall immediately communicate it to all the other countries of the Union.

(2) The same procedure shall be followed in the case of countries abandoning the reservations made or maintained by them in accordance with Articles 25 and 27.

ARTICLE 31

The official Acts of the Conferences shall be established in French. An equivalent text shall be established in English. In case of dispute as to the interpretation of the Acts, the French text shall always prevail. Any country or group of countries of the Union shall be entitled to have established by the International Office an authoritative text of the said Acts in the language of its choice, and by arrangement with the Office. These texts shall be published in the Acts of the Conferences, annexed to the French and English texts.

SECTION F 2

**STATES WHICH HAVE RATIFIED THE
BRUSSELS ACT OR HAVE
ACCEDED TO IT**

State	Date on which the State became bound by the Brussels Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Austria	October 14, 1953	1953, 113
Belgium	August 1, 1951	1951, 85
Brazil	June 9, 1952	1952, 61
Cameroon	September 21, 1964	1964, 273
Congo (Capital: Brazzaville)	May 8, 1962	1962, 146
Congo (Capital: Kinshasa)	February 14, 1952	1963, 291
Cyprus	February 24, 1964	1964, 127
Dahomey	January 3, 1961	1961, 69
Denmark	February 19, 1962	1962, 30
Finland	January 28, 1963	1963, 3
France	August 1, 1951	1951, 61
Gabon	March 26, 1962	1962, 70
Greece	January 6, 1957	1957, 5
Holy See	August 1, 1951	1951, 85
India	October 21, 1958	1958, 149
Ireland	July 5, 1959	1959, 119
Israel	August 1, 1951	1950, 25
Italy	July 12, 1953	1953, 73
Ivory Coast	January 1, 1962	1961, 257
Liechtenstein	August 1, 1951	1950, 133
Luxembourg	August 1, 1951	1950, 62
Madagascar	January 1, 1966	1966, 98
Mali	March 19, 1962	1962, 146
Monaco	August 1, 1951	1951, 85
Morocco	May 22, 1952	1952, 49

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State	Date on which the State became bound by the Brussels Act	Publication in <i>Le Droit d'Auteur</i> (year and page)
Niger	May 2, 1962	1962, 170
Norway	January 28, 1963	1963, 3
Philippines	August 1, 1951	1950, 97
Portugal	August 1, 1951	1951, 109
Republic of South Africa	August 1, 1951	1950, 61
Senegal	August 25, 1962	1962, 170
Spain	August 1, 1951	1951, 97
Sweden	July 1, 1961	1961, 137
Switzerland	January 2, 1956	1956, 4
Tunisia	May 22, 1952	1952, 49
Turkey (1)	January 1, 1952	1951, 133
United Kingdom (2)	December 15, 1957	1957, 225
Upper Volta	August 19, 1963	1963, 156
Yugoslavia (3)	August 1, 1951	1951, 98, 110

(1) Turkey's accession is subject to the following *reservation*: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number, III, of the Paris Additional Act, 1896, *with respect to the translations into the Turkish language*.

(2) The United Kingdom's accession is subject to the *specific declaration* that the Government of this country accept the provisions of Article 11 of the Act on the understanding that they remain free to enact such legislation as they consider necessary in the public interest to prevent or deal with any abuse of the monopoly rights conferred upon owners of copyright by the law of the United Kingdom.

(3) Yugoslavia's accession is subject to the following *reservation*: Article 8 of the Act is replaced by Article 5 of the Berne Convention, 1886, as modified by Article 1, Number III, of the Paris Additional Act, 1896, *with respect to the exclusive right of translation into the national languages of Yugoslavia*.