being necessary. To exemplify, it was shown that rights under Articles 4, 5, 6bis, 7, 8, 9, 10, 11bis 12, 13, 14, 15, and 18 already formed the framework of a codification based upon the Convention. In all countries treaties require ratification, and in certain countries, notably Great Britain, Sweden, and Norway, as well as many others, laws which assure the application of a Convention must be passed before ratification may be proceeded with. Such countries will not be embarrassed by their acceptance of new paragraph (4) providing for direct protection, and the delegates of the three countries cited were thus able to accede to this very comprehensive formula, which in no manner weakens the general principle to which they subscribed. Incidentally, the text of paragraph (4) marks a remarkable evolution over a period of twenty years in convention rights. Persons within the jurisdiction of those countries wherein a treaty can receive immediate application will immediately find themselves under protection based on the Convention, which will take its place in the internal legislation, augmenting it in its authority by further reinforcement of law.

Although it had always been thought that the protection of rights of authors provided by the Convention extended to the legal representatives and assignees of such authors, and that Article 6bis, with its bearing upon rights which follow assignment, involved implicit recognition of assignees, a debate was necessary to secure express mention of their rights. The British delegation pressed strongly for these rights to be included in some part of the Convention; they now form the object of the second sentence of paragraph (4), which assumes a general scope. The term "legal representatives and assignees" (*ayants-droit*) covers all those who by any title whatever find themselves invested with the rights of the author. The British delegation thus secured the equivalent of the proposed new Article 2ter, which had been initiated by them. It should, however, be noted that Article 6bis specifies the author alone, while Article 14bis, paragraph (1), contemplates persons or institutions not necessarily legal representatives or assignees.

Article 2bis, which is devoted to oral works, contains no change from the Rome text in its first two paragraphs. These leave subject to national legislation the protection of political speeches and speeches delivered in the course of legal proceedings as well as lectures, addresses, sermons, and other works of the same nature. The French delegation desired to secure that all oral works other than political speeches—that is to say, lectures, sermons, and addresses—should be placed under the protection of the Convention. France was supported by Spain, Greece, Italy, and Portugal, while the British, Czech, Swiss, Danish, Finnish, Norwegian, and Swedish delegations were unable to accept it. The right reserved solely to the author to re-unite in a collection those of his works mentioned in the preceding paragraphs becomes the subject of a third paragraph designed to establish clearly that this right belongs equally to the political speaker, the lawyer, the lecturer, the writer, and the preacher. Clarification due to observations by the British delegation enabled it to be affirmed that the right of the author is to be no obstacle to the traditional use in law reports of speeches made in the course of legal proceedings.

The debate on Article 4, which has for its object the determination of the basis of protection upon which authors can found their rights, was one of the keenest of the conference. Paragraph (1) remains according to the Berlin text as confirmed at Rome. It lays down the principle that Unionist nationals enjoy in the Union two kinds of rights:—

(1) National rights, by reason of the recognition of the rights acquired, and of the assimilation of Unionists to nationals; and

(2) Special rights specifically conferred by the Convention.

Paragraph (2) likewise remains unchanged. Paragraph (3) defines the country of origin of a work, which is the very root of copyright protection. Thus, published works are distinguished in so far as concerns the place of their first publication from works published simultaneously in countries admitting different degrees of protection and so calling for comparison of the periods, and selection of the period of shortest duration. Furthermore, there were the cases of works published in countries outside the Union. A liberal provision was agreed upon to recognize every work to have been "simultaneously" published if it appeared in two or more countries within thirty days from its first publication.

Almost insurmountable difficulties occurred in connection with Article 4 when it came to the question of providing a definition of "published works." The Programme, which did not attempt to evade the question, suggested that there was no reason for not assimilating the recording of a work upon apparatus designed for mechanical reproduction or upon a cinematograph film with publication by printing. The Programme proposal was therefore to add, after the words "published works," the words "whatever may be the mode or form of publication: printed matter, records, films." The British delegation was unable to accept either the formula or the conception, and the distinction between *la publication* and *l'edition* was to them indiscernible. The Conference resorted to a special Committee to endeavour to surmount the opposition. They succeeded in discovering an accommodating formula whereby it should be accepted that the expression *oeuvres editées* should mean "works, copies of which have been issued and made available in sufficient quantities to the public." This expression is sufficiently ample to be generally understood and it is moreover completed by the negative statements which follow—viz., "The presentation of a dramatic 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."