

Paragraph (2) arises essentially from the principle set out in paragraph (1), and it involves a comparison of terms: in the case where several countries of the Union grant a period in excess of that provided for in paragraph (1), the term is to be governed by the law of the country where protection is claimed, but is not to exceed the term fixed in the country of origin of the work. The new paragraph (3) fixes the term for cinematographic and photographic works, which also is to be governed by the law of the country where protection is claimed, but which is not to exceed the term fixed in the country of origin of the work.

Anonymous and pseudonymous works will henceforth benefit from a protection fixed at fifty years from their publication. Two exceptional cases are, however, envisaged: when the pseudonym leaves no doubt as to the identity of the author, the term of protection is to be that provided in paragraph (1)—that is to say, fifty years from the death of the author. The same favourable solution was adopted for cases where the anonymous author discloses his identity.

Paragraph (5) grants to posthumous works a term of protection for the benefit of the heirs and other persons deriving title from the author ending fifty years after the author's death.

In this manner, the terms for all categories of works were unified.

The Conference arrived at a most concise formula as regards the period of copyright belonging in common to joint authors of a work. This term is to be calculated from the date of death of the last surviving author. Paragraphs (2) and (3) of the Rome text of Article 7^{bis} disappear.

Article 8, which relates to translating rights, underwent little change apart from drafting amendments. The form of this Article was reduced, while it preserves for the author's benefit the exclusive right of making or authorizing the translation of his works.

Since the Convention does not include complete regulation of the right of reproduction enjoyed by authors in connection with the publication of their works by the daily and periodic press, the French delegation would have liked to have filled this gap with a general systematization assuring the most extended protection, and covering the rights of journalists. They therefore proposed an analytical text for Article 9. The Scandinavian countries, as well as Poland, the Netherlands, and Czechoslovakia, were, however, opposed to any restriction on the freedom of information, and pronounced against the change. The text of Berlin, which received at Rome a noteworthy improvement by the introduction of the notion of reserved reproduction and by the imposition of a clear indication of source, was accordingly accepted. In conserving the former text, several delegations desired to emphasize the fact that the Convention protection does not extend to news of the day or to miscellaneous facts merely having the character of news. The delegation of Belgium, the Netherlands, Luxembourg, and the Nordic countries actually requested that a note to this effect be included in the general report. It is therefore recorded that the fixing of sounds or images in connection with the photographic, cinematographic, or radiophonic recording of a popular or patriotic festival also fall outside the scope of the Convention. These acts are exceptional and fragmentary and, as such, they would be permitted. But the text certainly does not attain to the ideal as regards a true literary work reproduced by the press, and of the respect which is due thereto. The question of making extracts from known works has always given rise to abuses; but, on the other hand, it is very difficult to limit the right of quotation, which, without being of itself a mark of culture, remains a custom of cultured writers. Certain drafting changes of a substantial character were made to the Article to avoid disturbing accepted custom. Henceforth it will be permissible to make short quotations from newspaper articles and periodicals.

The right to make extracts from literary and artistic works for educational purposes or for chrestomathies is reserved to national legislation. The permission granted by the second paragraph of Article 10 is broader than that granted by the first. It is justified by the purpose of the extract—namely, use in educational or scientific works, or in chrestomathies. These extracts must always be accompanied by an indication of their source. Thus Article 10 as adopted at Brussels reconciles the rights of authors on the one hand and the needs of a public anxious to draw upon the treasures of human knowledge on the other hand.

The object of new Article 10^{bis} is the extension of the right of making extracts and short quotations for recording and presentation of reports of current events by means of cinematography and radio-diffusion. This represents a new concession granted to the freedom of news. Only short extracts are involved, and then only in cases where the use of such extracts appears indispensable to a faithful account of actual happenings.

The right of presentation finds its expression in Article 11. According to the former wording adopted at Berlin and confirmed at Rome, it was clear that the protection of this right could not be contested in good faith. However, it was essential that the Convention consecrate this very essential right of an author in formal terms giving it the character of the exclusive right of authorizing public presentation and public performance. This, split into precise propositions, was the argument developed by the Programme in justification of the proposed new wording finally adopted by the Conference. From the debates, and particularly from the final discussion arising from the report of the sub-committee, the following conclusions were drawn: basically the right of performance has not been modified either in its character or in its scope. The form of the right will henceforth be indisputable, and it is now placed beyond the risk of all misleading interpretations. It is expressed in favour of the author as an exclusive right authorizing public presentation, performance, and transmission.