

The Committee endorsed the French proposal concerning a new paragraph (3) in the following terms: "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."

The Committee likewise adopted paragraph (4) of the Programme text, which sought to exclude, as regards cinematographic adaptations, the application of reservations and conditions contained in Article 13, paragraph (2). It did, however, record the wish that, in the interest of freedom of information, news-reel films should be separately mentioned in the general report of the Conference as being subject to national legislation.

As regards paragraph (5), the Committee decided in favour of maintaining the text previously forming the subject of paragraph (4), indicating at the same time the desirability of maintaining harmony between Article 14, paragraph (5), and paragraph (1) of Article 11^{bis} as proposed in the Programme.

This brief note is clearly an inadequate portrayal of the lengthy discussions of this Committee, over which M. Dantas presided.

Droit de suite constitutes a legacy from the Rome Conference which welcomed the principle advanced by Jules Destree in the form of the third Resolution recorded by that Conference. Thus do the advantages of these Conferences reveal themselves: they provide a period of incubation for ideas which are capable of arriving at maturity following the advantages of this initial exposition and examination. During this period *droit de suite* has found a place in several national legislations, largely inspired by French and Belgian legislation, which go back to the year 1920. Thus the Conference saw the Czech, Polish, Italian, and Uruguayan laws analyzed in the explanatory portions of the Programme. Delegates to the Conference welcomed favourably the labours of M. Raymond Weiss, one of the earliest protagonists of this right. They also welcomed the work of M. Duchemin, who condensed the lessons of experience and general documentation into a vast work which will surely never be excelled. The revelations and observations of the British delegate, Mr. Crewe, were found worthy of careful thought, and the same applied to Sweden. The delegates of Portugal, Czechoslovakia, Italy, Belgium, and Hungary lent their support, thereby permitting the elaboration of a text which, in its first paragraph, sets out the principle involved, and in paragraphs (2) and (3) reserves the matter to national legislation and on a basis of reciprocity.

In the terms of its prudent drafting, Article 14^{bis}, which establishes for the profit of the author or for the persons and institutions who succeed him an inalienable right of interest in any sale after the first, appears to display in some respects a lover's role: the future will show whether or not it holds any lasting attraction to national Legislatures.

The Conference was prepared to adopt, almost without debate, the proposal put forward by France as regards Article 15, establishing that the protection of the author arising from disclosure of his name is applicable, even if this man is a pseudonym, provided such pseudonym leaves no doubt as to his identity. Paragraph (2) provided that the publisher shall be regarded as representing the author of anonymous works and of works bearing unknown pseudonyms.

The matters dealt with by Articles 16, 17, and 18, of the Convention gave rise to no observations, the Rome text having been adopted without change.

RELATIONSHIP BETWEEN THE CONVENTION AND NATIONAL LEGISLATION

Article 19 is one of the most important from the point of view of the general theory of the Convention. It was recalled that at the Berlin Conference a doubt had subsisted as to the extent of the rights conferred by Article 19. As a predecessor, M. Louis Renault, had said that the Convention of the Union constituted a minimum of protection, this implied that authors should be admitted to claim the benefits of internal legislation in other countries, even where such legislation was more favourable than the protection which the Convention afforded. It was this which was always in the minds of the delegates, on the hypothesis that national law must be a stage further advanced than the actual provisions of the Convention.

Authors are to have the benefit of domestic laws; but in drafting the Berlin text, instead of referring to domestic laws purely and simply, there were inserted the words "by the legislation of a country of the Union in favour of foreigners in general." It might thus be thought that authors are only permitted to claim, in so far as provisions concerning foreigners are concerned, those provisions which are more favourable than the text of the Convention. Obviously this would be contrary to Article 4 of the Convention. Under this Article the position is that all foreigners are admitted to enjoy the rights in all Convention countries. In order to harmonize the final stipulation of Article 19 with Article 14, it must be said that the minimum of protection operates when an author is permitted to claim in a Unionist country not merely Convention rights, but is also permitted to claim the benefit of domestic legislation in general, whatever such legislation may be, and whether it refers to nationals or foreigners. Thus, by the construction applied to Article 19, Convention rights are admitted for all authors, this being the basis of the Union, and they are admitted at the same time to their advantage to the benefit of all domestic laws with the force of their internal application, when more advantageous than the provisions of the Convention. This, of course, is subject to the principles which are the essence of the Convention. Thus there is obtained a harmonizing of Article 19 in its broad application with the principles admitted in Article 4 as regards the admission of foreigners to equality of rights.