

Following the request of the Netherlands delegation, the International Bureau will be informed of any dispute, and will communicate particulars of it to other countries of the Union. This provision is in keeping with Articles 62 and 63 of the Statute of the Court of International Justice, which envisaged spontaneous provoked intervention. Arising from an important question raised by the British delegate, it was made clear that decisions of the Court should involve no condemnation, that these should be limited to a declaration of law, and that, according to custom, it would devolve upon the countries concerned to give effect to the necessary consequence through diplomatic or legislative channels as they saw fit.

A new Article 31 was inserted in the Convention, and reads as follows:—

“The official Acts of the Conference shall be established in French. An equivalent text shall be established in English. In case of dispute as to the interpretation of the Act, 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 that office. Those texts shall be published in the Acts of the Conference, annexed to the French and English texts.”

The British delegation had demanded on three occasions, with most pressing instance, that the text of the Convention be drawn in French and English, both texts to be equally valid. The British delegation was energetically supported by all British dominions represented at the Conference. Strong in her sixty-two years of membership, and relying upon the text of the Berne Convention itself, which has always been in French, the sole language throughout three Conferences of revision, France would have been able to refuse this substantial change, which would have required unanimity. But, with a feeling of international good will, France did not wish to be inflexible in her attitude. Yet she regretted the loss of the sole text, which was an unequivocal guarantee of general understanding for those countries which speak all other languages and who are accustomed to refer to the French wording. Conscious of defending the general interest, the French delegation only gave way on condition that, in the case of dispute, the French text should always prevail. However, from the moment when the Conference departed from the principle of a single language, it was equitable to provide that other countries should have the right of obtaining an authorized text of the Acts in the language of their choice. These texts are to be published in the Acts of the Conference annexed to the French and English texts, the term “authorized” implying for texts other than French and English an authentic character in the countries where they are applicable.

It was not thought fair to compare the results obtained by the Brussels Conference with the changes introduced by the Rome Conference. The old French adage “Comparison is no argument” (*comparaison n'est pas raison*) has long been repeated. It was said that times had changed; though sometimes the maintenance of certain permanent positions was more meritorious than fresh advances.

The following may be taken into account as the outstanding amendments of the text of the Convention:—

The inclusion of cinematographic and photographic works in paragraph (1) of Article 2: the promotion in the Article of works of applied art—these new creative forms now adorn the portal of the Convention.

The right as regards collective works is clearly defined. The mention of the legal representatives and assignees of the author determines their position.

The notion of publication is made clear in Article 4, as also is the relationship between publication, and making of works available to the public, and the making of records and between the right of reproduction and presentation. The meaning of the word “simultaneous” in this connection is also defined.

Direct protection is inscribed in the Convention with all the vistas that this opens up as regards the development of common-law rights in this connection.

Moral right is enlarged in its scope, and in the exercise for a term of fifty years and, despite difficulties, tends towards unification.

The position of posthumous anonymous, and pseudonymous works is now clearly defined. The right of making references and extracts is to profit from prudent control.

In the new Article 10^{bis}, account is taken of the needs of the press and circumstances. The right of presentation is fixed in unequivocal terms. The right of public recitation is included in Article 11^{ter}. Articles 11^{bis} and 13 have undergone a complete recasting. The relationship of authors and composers with the broadcasting and mechanical reproduction industries is fixed in an equitable manner. The position of cinematography is defined and *droit de suite* makes its entry into the Convention through the medium of Article 14^{bis}.

The principle of the minimum of protection receives recognition and ultimate enlargement in Article 19.

Finally, the Convention is furnished with a clause relating to international jurisdiction. Such are the advances.