

II. DOMINION'S ENTRY OF UNION.

ADVANTAGES AND RESULTS.

New Zealand's Status.—New Zealand became a member of the International Copyright Union on the 26th April, 1928. (See the Copyright Act, 1913, sections 28 and 33, and Orders in Council made thereunder). For some fourteen years prior to that date works first published in British or foreign countries members of the Union received the same protection as was accorded to works published in New Zealand under the Copyright Act, 1913. New Zealand was, however, without a vote at a Union Conference. But all that was altered when it entered the Union. Thenceforward its voice could be heard as of right, and its vote cast as it thought fit.

Advantages of Entering Union.—The change of status was timely for various reasons, some of which are—

(1) The interests of New Zealand do not in all respects coincide with those of Britain, in whose wake it had followed. This was evident at one of the most critical and active of the controversies at Rome.

(2) The cultural achievements of radiophony have already been so great, while its potentialities are so enormous, that a remote country such as New Zealand must, if it is to keep its place in the march of civilization, be vigilant in keeping, so far as it can, the great discoveries in the radiophonic field free from domination by commercial and financial combines and associations.

(3) A third reason arises out of the constitution of the Union. A decision of the Union in conference must be unanimous. This applies as well to the alteration of an existing article in the convention as to the adoption of a new one. The experience of the New Zealand delegation at the Conference of Rome in 1928 is that, while, on the one hand, an interest (whether it be literary, artistic, industrial, or financial) is virtually unassailable once it is protected by an article of the convention, on the other hand, a proposal for the bettering of the convention, be the proposal ever so meritorious, has no chance of adoption if it conflicts with one of these interests. One adverse vote is enough, and an adverse vote is not difficult to find, for invariably the views of some country or other are found to coincide—quite honestly, of course—with the interests adversely affected by the proposal.

Accessions of other Dominions.—Shortly before the Rome Conference two other Dominions, Canada and Australia, joined the Union as members. They also had been content, up to that time, to adopt the Revised Berne Convention by similar procedure to that adopted by New Zealand. The Irish Free State also about this time came into the union as a member.

Results of Dominions Entry of Union.—The entry of the Union by Canada, Australia, and New Zealand introduced an entirely new element—an element putting forward views considered as little short of revolutionary by some of the older members of the Union. Not that the Dominions were of great importance from the population standpoint. In that respect, although rapidly increasing, they are, and must for a long time remain, insignificant compared with the other densely peopled countries. The importance of their entry lies in the fact that at the Rome Conference the interests of the public—that great body of purchasers and consumers of copyright wares—were vigorously voiced by the Dominions for the first time in the history of International Copyright Conferences.

III. MOVEMENT IN INTERNATIONAL COPYRIGHT.

FROM DIVERSITY TOWARDS UNIFORMITY COUNTERACTIONS.

Previous International Conferences.—The first International Copyright Conference was held in Berne in 1885, and resulted in the framing of the Berne Convention, 1886. By that convention the contracting States were constituted a Union "for the protection of the rights of authors over their literary and artistic works." The Berne Convention was modified and amended in certain respects by the Conference at Paris in 1896. In 1908 a further Conference was held in Berlin, when a new convention, replacing those of 1886 (Berne) and 1896 (Paris), was signed and ultimately adhered to by Britain. It was this Berlin Convention, 1908, that was before the Rome Conference of 1928.

Development, 1886-1928.—The years between 1886 and 1928 had witnessed in the domain of copyright some remarkable developments, of which it is necessary to give a brief account for a proper understanding of the part taken by New Zealand in the proceedings at the Conference at Rome.

The Berne Convention of 1886 was the work of a Conference called together to deal with the hardships experienced by authors in not obtaining in foreign countries adequate copyright protection, and that Conference succeeded in satisfactorily securing for foreign authors, in a country of the Union, the same amount of protection as the laws of that country afforded to its own nationals. This convention did not attempt to interfere with the right of each country to enact its own copyright legislation.

1886 : Protection against Piracy, otherwise Home Rule.—Home rule in copyright matters continued, subject only to the provision established by the convention that thenceforth there was to be no discrimination between foreign and native authors. No serious attempt was made by the convention to establish copyright uniformity within the countries of the Union. The delegates in 1886 were mainly representatives of authors and publishers. They were imbued with a sense of the wrongs sustained through unauthorized appropriation of authors' works in foreign countries, and, concentrating upon those wrongs, achieved their aim by the Berne Convention of 1886.

After 1886 : Movement from Home Rule to Uniformity.—After 1886, however, and once the authors and copyright holders were assured, throughout Union territories, against piracy by foreigners, further developments became noticeable. The holders of copyright henceforth aimed at obtaining fuller measures of copyright protection. This they considered might be best achieved by extending the ambit of the Union's copyright activities and by establishing uniformity of law within the Union's