Norway's Mémoire.—Proposition (3) is somewhat more difficult. The arguments for it are set forth in a *memoire* placed by the Norwegian Delegation before the Conference. (This *memoire* is sent herewith). The arguments are developed with much skill and knowledge in the *memoire*, and, briefly, are that when the substance of Article 11 was adopted at the first International Conference—that of Berne in 1886 (see Article 9, Berne Convention, 1886)—the royalty system, or something similar, was operating in various countries; that the Berne Conference was occupied with establishing the right of a foreign author to equal copyright protection in other countries of the Union to that of natives, and not with establishing a uniform code throughout the Union; and that accordingly the royalty or other system was not within the purview of, or dealt with by, the Berne Conference or by the subsequent Conferences at Paris in 1896 and Berlin in 1908.

The Norwegian arguments were not contested at the Rome Conference.

Norway and Denmark, and it may be other countries, act upon this view without objection. It therefore seems to the New Zealand delegate that it may safely be adopted by New Zealand.

Before parting with this branch of the subject, it is to be observed that Dr. Raestadt, the Norwegian delegate, a writer of repute on international law, concurred with your delegate in the view that the arguments advanced in the Norwegian *memoire* had no application to broadcasting. In 1886 control by each country's Legislature was implied; in 1928 the opposite condition existed, and control was excluded unless expressly reserved. Norway therefore acted with Australia and New Zealand in insisting upon the reservation ultimately incorporated in Article 11 *bis*—the broadcasting article.

The "Droit Moral."

The difference between the Latin and Anglo-Saxon mentality was nowhere more evident than in the discussion on this subject. It was originally introduced by the Italian Administration, and its proposition and recommendations are to be found in the "Documents Preliminaire" (booklet herewith). One of the chief characteristics of the *droit moral* is the clothing of the author with certain rights of authorship inalienable by contract, unaffected by his death and perpetuated through all time. These rights include the right of asserting the authorship of his work, and of opposing the mutilation of the work or of any modification of it which may be prejudicial to the author's reputation. There was evidently some acute need for it in some of the Continental countries, judging by the interest and enthusiasm it evoked. But it was coldly received by the British countries, and to them the Italians addressed a special appeal, particularly pointing out that countries within the common law already afforded by various principles of their law the protection which was now sought. The British countries were anxious to help their neighbours, and ultimately a small sub-committee was formed and a formula was adopted, largely through the efforts of Sir Harrison Moore, the Australian delegate, and Mr. Becket, one of the legal advisers to the British Foreign Office. It now emerges as Article 6 *bis* of the convention, and is in the following terms:—

"*Article 6* bis.

"(1) Independently of the author's copyright, and even after the transfer of the said copyright, the author shall have the right to claim authorship of the work, as well as the right to object to any distortion, mutilation, or other modification of the said work which would be prejudicial to his honour or reputation.

"(2) The determination of the conditions under which these rights shall be exercised is reserved for the national legislation of the countries of the Union. The means of redress for safeguarding these rights shall be regulated by the legislation of the country where protection is claimed."

It will be at once seen it does not prejudice New Zealand.

It is to be noted that the "moral rights" referred to in Article 11 *bis* (the broadcasting article) are those dealt with by Article 6 *bis*.

V. SUGGESTIONS FOR LEGISLATION.

Copyright legislation hitherto has mainly concerned itself with protecting against piracy of literary and artistic works as expressed in print, musical sheets, engravings, photographs, &c., and public performances of musical, dramatic, and similar class of works by performers in the presence of their audiences.

Discoveries and inventions resulting in cinematography, mechanical music, and broadcasting have effected a change of conditions. These inventions have three things in common: (1) They provide a world-wide audience; (2) they are all concerned with performance, and two of them (cinematography and broadcasting) entirely with public performance; (3) all involve great capital enterprise.

The world-wide Performing Rights Association, controlling virtually all public-performance copyrights, discharge two useful functions: they efficiently protect copyright-holders, and by their representative character straighten out difficulties which would be occasioned by attempting to deal with numerous individual copyright-holders.

The Holland delegation suggested at the Conference compulsory concentration of broadcasting performing rights in one great association in each country, but as the suggestion was also coupled with many details its was unacceptable.

Any attempt to limit the right of the copyright-holder to deal as he pleases with his "performing-right" is resented. Such a limitation can only be by some form of expropriation, and as such needs very careful consideration. The gramophone business has been built upon the compulsory-license system, and many gramophone companies have made vast profits, declared large dividends and