

list of the same in the respective official journals, so that the public may be able to consult them in the office or library in which they are placed for inspection, stating at the same time the place and the printing office from which each work was issued, for the information of those who may desire to acquire said work.

Art. 5. The Contracting Governments, in so far as the stipulations of the Universal Postal Union allow will declare free of postage, in the respective countries, all official correspondence and the publications under agreement of exchange referred to in this Convention, in conformity with the special arrangements made amongst themselves.

Art. 6. Each of the Contracting Countries shall send the printed matter to which this Convention refers, to the Legation or Consulate which it may have accredited to the Governments of the others, so that they may be delivered by such channels to the Department, office or library which each Government may designate to receive them. In the absence of direct agents, the transmission shall be made from one Government to the other.

Art. 7. For the operation of this Convention it is

not indispensable that its ratification shall be made simultaneously by the signatory nations. The State approving it shall make known that fact to the others through a diplomatic agency, or directly, and such proceeding shall be considered of equal force as an exchange of copies.

Art. 8th. This Convention shall take effect for an indefinite period, from the day on which its ratification shall have taken place, in the manner expressed in the foregoing article, and the nation desiring to denounce it, shall give notice of its intention to the others; and its obligations under it shall cease only one year from the date of giving such notice.

México, January 24th, 1902.—(Signed.) *Alberto Elmore.—Rosendo Pineda.*

The Convention on exchange of publications, couched in exactly the same terms of the above report, was signed on the 27th of January, 1902, by the Delegations of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, Dominican Republic, Ecuador, El Salvador, United States of America, Guatemala, Hayti, Honduras, Mexico, Nicaragua, Paraguay, Peru and Uruguay.

## NUMBER 6.

## Protection of Literary and Artistic Works.

SESSION OF DECEMBER 16, 1901.

*Secretary Macedo.*—The Delegation of Hayti has submitted the following project for a Convention, on the protection of literary and artistic works, which, by ruling of the Chair, has been referred to the Committee on Practice of the Learned Professions and Literary Relations. Said proposition reads as follows:

Art. 1. The contracting countries hereby constitute a Union for the protection of the rights of authors in their Literary and Artistic Works.

Art. 2. The expression «Literary and Artistic Works» comprises books, pamphlets and other writings; the oral lessons of professors, dramatic works, musical compositions, with or without words, works on designs, painting, sculpture and engraving; lithographs, geographical maps, plans, sketches and plastic works relating to geography, architecture and sciences in general; and finally every product of the intellectual work of man.

Art. 3. The authors who belong to one of the countries of the Union, or their assigns, shall enjoy in the other countries the rights which the respective laws confer upon their citizens at the present time, or which they may confer upon them in the future, but the enjoyment of such rights shall not exceed the duration of protection granted in the country of their origin.

Art. 4. The country in which the work has been first published, shall be considered as the country of its origin, but if the publication has taken place simultaneously in various countries of this Union, then the one whose legislation fixes the shortest period of protection, shall be considered as the country of origin.

Art. 5. Authors belonging to one of the countries of this Union, or their assigns, shall enjoy in the other countries, and for the time specified in Art. 3,

the exclusive right of making or authorizing a translation of their works.

Art. 6. Authorized translations shall be protected the same as the original works; but in the case of a work the translation of which is within the public domain, the author cannot oppose the translation of the work by others.

Art. 7. Articles of newspapers or periodical collections relating to political and scientific discussion, may be reproduced in other countries of the Union, giving credit to the newspaper or collection from which they were taken.

Art. 8. The reproduction of portions of literary or artistic works continued in publications devoted to public instruction and chrestomathy, does not confer any rights of authorship, and for that reason may be made freely in all countries of this Union.

Art. 9. The person whose name or nom-de-plume is given to a work in the customary manner, except in the case of proof to the contrary, shall be considered as author of such work.

Art. 10. All counterfeit works may be confiscated in the countries of the Union, in which the original work has secured the right of legal protection, besides the indemnity and punishment that the counterfeiters may be liable for.

Any adaptation without the consent of the author shall be considered as counterfeiting and shall be treated accordingly.

Art. 11. Each one of the Governments reserves to itself the right to watch over and prohibit the circulation, representation or exposition of any work or production, in regard to which it may appear necessary to the authorities to exercise such right.

Art. 12. The countries which have not subscribed to the present Convention, may become parties to

the same, by notifying the United States of Mexico of such desire who shall in turn serve the same notice on the other countries.

Art. 13. The present Convention shall become operative within three months after the date on which its acceptance has been made known to the Mexican Government by at least four of the Signatory Powers, and shall remain in force until the expiration of one year from the date in which it has been abrogated by any of the Signatory Powers. Such abrogation shall be made known to the Government of Mexico, and shall not cause any effect except in respect to the country that has withdrawn from the compact.

Done in Mexico, etc., etc.—(Signed.) *J. N. Léger*, Delegate from Hayti.

SESSION OF DECEMBER 18, 1901.

*Secretary Macedo.*—The Delegation of Chili has submitted the following project for a Convention on Literary and Artistic Copyrights, which, by ruling of the Chair has been referred to the Committee on Practice of the Learned Professions and Literary Relations. Said Convention reads as follows:

Messrs. Delegates:

It is absolutely indisputable that the Spanish American countries are today enjoying great advantages owing to the fact that no legislative regulations or International Conventions recognizing the right of intellectual works, whether national or foreign exist in any of them.

As no official fees are paid in those countries, the reprint of those works or their translations puts them within the reach of greater numbers at reduced prices, and facilitates their circulation in social spheres which they could not reach with that burden and thus affords to those less favored by fortune the necessary elements for their edification and moral progress.

But, above that consideration of expediency, a higher sentiment should predominate in communities that reach a high grade of culture and in which the acquisition of public wealth now allows a considerable number of its members to dispose of the necessary means to acquire this intellectual food. This sentiment, which takes greater hold with the incessant march of civilization, is the scrupulous respect for the rights of others. And inasmuch as now no one doubts that the works of intellect represent a real property as important as those more worthy of respect, it is necessary to recognize that the lack of an international treaty for the protection of these rights is a long felt want, corresponding to the justice and dignity of the American countries.

The project on Literary and Artistic copyrights which the Delegation from Chili has the honor to submit to the Hon. Conference, is based on this conviction.

Without aspiring to originality in this matter, on which for a long time past the most advanced nations have adopted principles which are to-day universally recognized, our Delegation has taken as a basis the similar Convention approved by the South American Congress at Montevideo, adding to it certain proscriptions, indispensable in its opinion, so that the conventional legislation proposed in the project may contain the means which are found wanting in the treaty of said Congress, in order to make effective the protection of the rights which it desires to preserve.

These considerations excuse us from occupying the attention of the Honorable Conference with greater details, which would be superfluous on the other hand, when addressing an assembly in which are found so well represented a great number of the most interesting ideas expressed through intellectual productions by means of printing.

Mexico, November 28, 1901.

## Project of a Convention Regarding Literary and Artistic Copyrights.

Art. 1. The signatory States bind themselves to recognize and protect the rights of literary and artistic property (Copyrights) in accordance with the stipulations of this Convention.

Art. 2. The copyright of a literary or artistic work includes for its author or his assignees, the exclusive right to dispose of the same, to publish, sell and translate it, or to authorize its translation, and to reproduce it in any form in its entirety or in portions.

Art. 3. In order to secure the recognition of the copyright of a work, it is an indispensable condition that the author or his assignees, whether a citizen or foreigner, or his legal representative, shall address an application to the official department which each signatory Government designates for that purpose, requesting the recognition of such copyright, said application to be accompanied by twenty-one copies of his work. The said Department shall open a register, on which the respective applications shall be recorded, and shall grant a certificate of copyright in favor of the author or his assignees, for each work so registered.

Three of the twentyone copies mentioned shall remain in the possession of the Department referred to and the rest shall be distributed by the same among the other signatory Governments, accompanied by a copy of the certificate of copyright, so that such copyright may be recognized in all these countries.

When, by the nature of the work, it is not possible to furnish the twenty-one copies of the same, it shall be sufficient for the purpose stated that the applicant furnish an equal number of photographic copies of the respective work.

Art. 4. The copyright shall be recognized, excepting in case of proof to the contrary, in favor of the persons whose names, or recognized pseudonyms are stated in the respective literary or artistic work, and in the application to which the foregoing Article refers.

Art. 5. None of the signatory nations shall be compelled to recognize the copyright of literary or artistic works in favor of authors of the other countries for a longer term than that which their laws grant to their own citizens. Such term may be limited to that allowed in the country of the origin of the work, if the same be shorter.

In the case of works composed of several volumes which are not published at one time, as well as of bulletins or periodical instalments of literary or scientific societies, or private persons, the term of copyright shall begin, with reference to each volume, bulletin or instalment, from the respective date of its publication.

The exclusive right to make, or authorize, the translation, shall remain in force in all of the signatory countries only for five years, counted from the date of the publication of the original work.