

## *Appendix*

The expenses of the office of the International Union shall be shared by the Contracting States. Until a fresh arrangement be made, they cannot exceed the sum of sixty thousand francs a year. This sum may be increased, if necessary, by the simple decision of one of the Conferences provided for in Article 17.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding countries into six classes, each of which shall contribute in the proportion of a certain number of units, viz.:

1st class	25 units
2nd „.....	20 „
3rd „.....	5 „
4th „.....	10 „
5th „.....	5 „
6th „.....	3 „

These coefficients will be multiplied by the number of countries of each class and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unit of expense.

Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the budget of the Office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

6. The next Conference shall be held at Paris between four and six years from the date of the coming into force of the Convention.

The French Government will fix the date within these limits after having consulted the International Office.

7. It is agreed that, as regards the exchange of ratifications contemplated in Article 21, each Contracting Party shall deliver a single instrument, which shall be deposited, with those of the other countries, in the archives of the Government of the Swiss Confederation. Each Party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications, signed by the Pleni-potentiaries who took part.

The present Final Protocol, which shall be ratified with the Convention concluded this day, shall be considered as forming an integral part of the said Convention, and shall have the same force and duration.

### Paris Additional Act and Interpretative Declaration, 1896\*

## Additional Act Amending Articles 2, 3, 5, 7, 12, and 20, of the Convention of September 9, 1886, and Numbers 1 and 4 of the Final Protocol Annexed Thereto

of May 4, 1896

#### *Article 1*

The International Convention of the 9th September, 1886, is modified as follows:

I. Article 2. The first paragraph of Article 2 shall run as follows:

‘Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the

other countries for their works, whether unpublished, or first published in one of

\* The Paris Additional Act and Interpretative Declaration were signed by the following twelve countries: Belgium, France, Germany, Italy, Luxembourg, Monaco, Montenegro, Norway (Interpretative Declaration only), Spain, Switzerland, Tunisia, and the United Kingdom (the United Kingdom signed only the Additional Act).

## *Appendix*

those countries, the rights which the respective laws do now or may hereafter grant to natives.'

A fifth paragraph is added in these terms:

'Posthumous works shall be included among those to be protected.'

II. Article 3. Article 3 shall run as follows:

'Authors not being subjects or citizens of one of the countries of the Union, who first publish, or cause to be first published, their literary or artistic works in one of those countries, shall enjoy, in respect of such works, the protection granted by the Berne Convention, and by the present Additional Act.'

III. Article 5. The first paragraph of Article 5 shall run as follows:

'Authors who are subjects or citizens of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works during the entire term of their right over the original work. Nevertheless, the exclusive right of translation shall cease to exist if the author shall not have availed himself of it, during a term of ten years from the date of the first publication of the original work, by publishing or causing to be published, in one of the countries of the Union, a translation in the language for which protection is to be claimed.'

IV. Article 7. Article 7 shall run as follows:

'Serial stories, including tales, published in the newspapers or periodicals of one of the countries of the Union, may not be reproduced, in original or translation, in the other countries, without the sanction of the authors or of their lawful representatives.'

'This stipulation shall apply equally to other articles in newspapers or periodicals, when the authors or editors shall have expressly declared in the newspaper or periodical itself in which they shall have been published that reproduction is forbidden. In the case of periodicals it shall be sufficient if such prohibition is indicated in general terms at the beginning of each number.'

'In the absence of prohibition, such articles may be reproduced on condition that the source is indicated.'

'The prohibition cannot in any case apply to articles of political discussion, to news of the day, or to miscellaneous information.'

V. Article 12. Article 12 shall run as follows:

'Pirated works may be seized by the competent authorities of any country of the Union where the original work enjoys legal protection.'

'The seizure shall take place in accordance with the domestic legislation of each country.'

VI. Article 20. The second paragraph of Article 20 shall run as follows:

'Such denunciation shall be made to the Government of the Swiss Confederation. It shall only take effect in regard to the country making it, the Convention remaining in full force and effect for the other countries of the Union.'

### *Article 2*

The Final Protocol annexed to the Convention of the 9th September, 1886, is modified as follows:

I. No. 1. This clause shall run as follows:

'As regards Article 4, it is agreed as follows:

'A. In countries of the Union where protection is accorded not only to architectural plans, but also to the architectural works themselves, these works shall be admitted to the benefits of the Berne Convention and of the present Additional Act.'

'B. Photographic works and works produced by an analogous process shall be admitted to the benefits of these engagements in so far as the domestic laws of each State may permit, and to the extent of the protection accorded by such laws to similar national works.'

'It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the Berne Convention and by the present Additional Act, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private agreements between those who have legal rights.'

AQ: Closing quotes are missing in the following Articles. Please advice

## *Appendix*

II. No. 4. This clause shall run as follows:

‘The common agreement contemplated in Article 14 of the Convention is established as follows:

‘The application of the Berne Convention and of the present Additional Act to works which have not fallen into the public domain within the country of origin at the time when these engagements come into force shall take effect according to the relevant stipulations contained in special Conventions existing, or to be concluded, to this effect.

‘In the absence of such stipulations between any of the countries of the Union, the respective countries shall regulate, each in so far as it is concerned, by its domestic legislation, the manner in which the principle contained in Article 14 is to be applied.

‘The stipulations of Article 14 of the Berne Convention and of the present clause of the Final Protocol shall apply equally to the exclusive right of translation in so far as such right is established by the present Additional Act.

‘The above-mentioned temporary stipulations shall apply in case of new accessions to the Union.’

### *Article 3*

The countries of the Union which are not parties to the present Additional Act shall at any time be allowed to accede thereto on their request to that effect. This stipulation shall apply equally to countries which may hereafter accede to the Convention of the 9th September, 1886. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

### *Article 4*

The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the manner adopted in the case of that Convention, as soon as possible, and within the space of one year at the latest.

It shall come into force as regards those countries which shall have ratified it three months after such exchange of ratifications.

## **Declaration Interpreting Certain Provisions of the Berne Convention of September 9, 1886, and the Additional Act Signed in Paris on May 4, 1896**

1. In accordance with the provisions of Article 2, paragraph 2, of the Convention, the protection granted by the Instruments mentioned above shall depend solely on the accomplishment of the conditions and formalities in the country of origin of the work which may be required by the legislation of that country. This stipulation shall equally apply to the protection of photographic works mentioned in No. 1.B. of the Final Protocol, as amended.

2. By *published* works (*oeuvres publiées*) must be understood works of which copies have been issued to the public (*oeuvres éditées*) in one of

the countries of the Union. Consequently, representation of a dramatic or dramatico-musical work, the performance of a musical work, or the exhibition of a work of art shall not constitute *publication* within the meaning of the above-mentioned Instruments.

3. Transformation of a novel into a theatrical piece, or of a theatrical piece into a novel shall be governed by the provisions of Article 10.

The countries of the Union which are not parties to the present Declaration shall at any time be allowed to accede thereto on their request to that

*Appendix*

effect. This stipulation shall equally apply to countries which may hereafter accede either to the Convention of the 9th September, 1886, or to that Convention and the Additional Act of the 4th May, 1896. It will suffice for this purpose that such accession should be notified in writing to the Swiss Federal Council, who shall in turn communicate it to the other Governments.

The present Declaration shall have the same force and duration as the Instruments to which it refers.

It shall be ratified, and the ratifications shall be exchanged in Paris, in the manner adopted in the case of the Instruments to which it refers, as soon as possible, and within the space of one year at the latest.

**Berlin Act, 1908\*****Revised Berne Convention for the Protection of  
Literary and Artistic Works****of November 13, 1908***Article 1*

The Contracting States are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

*Article 2*

The expression 'literary and artistic works' shall include any production in the literary, scientific or artistic domain, whatever may be the mode or form of its reproduction, such as books, pamphlets, and other writings; dramatic or dramatico-musical works, choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise; musical compositions with or without words; works of drawing, painting, architecture, sculpture, engraving and lithography; illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture or science.

Translations, adaptations, arrangements of music and other reproductions in an altered form of literary or artistic work as well as

collections of different works, shall be protected as original works without prejudice to the rights of the author of the original work.

The contracting countries shall be bound to make provisions for the protection of the above-mentioned works.

Works of art applied to industrial purposes shall be protected so far as the domestic legislation of each country allows.

*Article 3*

The present Convention shall apply to photographic works and to works produced by a process analogous to photography. The contracting countries shall be bound to make provision for their protection.

*Article 4*

Authors who are subjects or citizens of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which the respective laws do now or may hereafter grant to natives as well as the rights specially granted by the present Convention.

The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise are independent of

\*The Berlin Act was signed by the following fifteen countries: Belgium, Denmark, France, Germany, Italy, Japan, Liberia, Luxembourg, Monaco, Norway, Spain, Sweden, Switzerland, Tunisia, and the United Kingdom.