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Swiss Confederation will immediately communicate this declaration to all the other States of the Union.

5. The present Protocol shall be ratified, and the ratifications deposited at Berne within a

period not exceeding twelve months from the date thereof. It shall come into operation one month after the expiration of this period, and shall have the same force and duration as the Convention to which it relates.

### Rome Act, 1928\*

## International Convention for the Protection of Literary and Artistic Works

Signed at Berne On the 9th September, 1886, Revised at Berlin On  
the 13th November, 1908, and Revised at  
Rome On the 2nd June, 1928

#### *Article 1*

The countries to which the present Convention applies are constituted into a Union for the protection of the rights of authors over their literary and artistic works.

#### *Article 2*

(1) The term 'literary and artistic works' shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings; lectures, addresses, sermons, and other works of the same nature; 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, geo-graphical charts, plans, sketches, and plastic works relative to geography, topography, architecture or science.

\*The Rome Act was signed by the following 33 countries: Australia, Austria, Belgium, Brazil, Bulgaria, Canada, Czechoslovakia, Denmark, Finland, France, Germany, Greece, Hungary, India, Ireland, Italy, Japan, Lebanon, Luxembourg, Monaco, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Rumania, Spain, Syria, Sweden, Switzerland, Tunisia, and the United Kingdom.

(2) Translations, adaptations, arrangements of music and other reproductions in an altered form of a 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.

(3) The countries of the Union shall be bound to make provision for the protection of the above-mentioned works.

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

#### *Article 2<sup>bis</sup>*

(1) The right of partially or wholly excluding political speeches and speeches delivered in legal proceedings from the protection provided by the preceding Article is reserved for the domestic legislation of each country of the Union.

(2) The right of fixing the conditions under which lectures, addresses, sermons and other works of the same nature may be reproduced by the press is also reserved for the domestic legislation of each country of the Union. Nevertheless, the author shall have the sole right of making a collection of the said works.

#### *Article 3*

The present Convention shall apply to photographic works and to works produced

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by a process analogous to photography. The countries of the Union shall be bound to make provision for their protection.

### *Article 4*

(1) Authors who are nationals 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.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise are independent of the existence of protection in the country of origin of the work. Consequently, apart from the express stipulations of the present Convention, the extent of protection, as well as the means of redress secured to the author to safeguard his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) The country of origin of the work shall be considered to be: in the case of unpublished works, the country to which the author belongs; in the case of published works, the country of first publication; and in the case of works published simultaneously in several countries of the Union, the country the laws of which grant the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin.

(4) By 'published works' must be understood, for the purposes of the present Convention, works copies of which have been issued to the public. The representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, and the construction of a work of architecture shall not constitute a publication.

### *Article 5*

Authors who are nationals of one of the countries of the Union and who first publish their works in another country of the Union shall have in the latter country the same rights as native authors.

### *Article 6*

(1) Authors who are not nationals of one of the countries of the Union, and who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by the present Convention.

(2) Nevertheless, where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are at the date of the first publication thereof nationals of the other country and are not effectively domiciled in one of the countries of the Union.

(3) No restrictions introduced by virtue of the preceding paragraph shall in any way affect the rights which an author may have acquired in respect of a work published in a country of the Union before such restrictions were put in force.

(4) The countries of the Union which restrict the grant of copyright in accordance with the present Article shall give notice thereof to the Government of the Swiss Confederation by a written declaration specifying the countries in regard to which protection is restricted and the restrictions to which rights of authors who are nationals of those countries are subjected. The Government of the Swiss Confederation will immediately communicate this declaration to all the countries of the Union.

### *Article 6<sup>bis</sup>*

(1) Independently of the author's copyright, and even after 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.

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### Article 7

(1) The term of protection granted by the present Convention shall be the life of the author and fifty years after his death.

(2) However, in case such term of protection should not be uniformly adopted by all the countries of the Union, the term shall be regulated by the law of the country where protection is claimed, and must not exceed the term fixed in the country of origin of the work. Consequently, the countries of the Union shall only be bound to apply the provisions of the preceding paragraph in so far as such provisions are consistent with their domestic laws.

(3) For photographic works and works produced by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection shall be regulated by the law of the country where protection is claimed, provided that the said term shall not exceed the term fixed in the country of origin of the work.

### Article 7<sup>bis</sup>

(1) The term of copyright protection belonging in common to joint authors of a work shall be calculated according to the date of the death of the last surviving author.

(2) Authors who are nationals of the countries which grant a term of protection shorter than that mentioned in paragraph (1) cannot claim a longer term of protection in the other countries of the Union.

(3) In no case may the term of protection expire before the death of the last surviving author.

### Article 8

The authors of unpublished works, who are nationals of one of the countries of the Union, and the authors of works first published in one of those countries, shall enjoy, in the other countries of the Union, during the whole term of the right in the original work, the exclusive right of making or authorizing a translation of their works.

### Article 9

(1) Serial stories, tales, and all other works, whether literary, scientific, or artistic, whatever

their object, published in the newspapers or periodicals of one of the countries of the Union may not be reproduced in the other countries without the consent of the authors.

(2) Articles on current economic, political or religious topics may be reproduced by the press unless the reproduction thereof is expressly reserved. Nevertheless, the source must always be clearly indicated; the legal consequences of the breach of this obligation shall be determined by the laws of the country where protection is claimed.

(3) The protection of the present Convention shall not apply to news of the day or to miscellaneous information which is simply of the nature of items of news.

### Article 10

As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational purposes, or having a scientific character, or for chrestomathies, the effect of the legislation of the countries of the Union and of special Arrangements existing, or to be concluded, between them is not affected by the present Convention.

### Article 11

(1) The stipulations of the present Convention shall apply to the public representation of dramatic or dramatico-musical works and to the public performance of musical works, whether such works be published or not.

(2) Authors of dramatic or dramatico-musical works shall be protected during the existence of their right over the original work against the unauthorized public representation of translations of their works.

(3) In order to enjoy the protection of the present Article, authors shall not be bound in publishing their works to forbid the public representation or performance thereof.

### Article 11<sup>bis</sup>

(1) Authors of literary and artistic works shall enjoy the exclusive right of authorizing the communication of their works to the public by radio-diffusion.

(2) The national legislations of the countries of the Union may regulate the conditions under

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which the right mentioned in the preceding paragraph shall be exercised, but the effect of those conditions will be strictly limited to the countries which have put them in force. Such conditions shall not in any case prejudice the moral right (*droit moral*) of the author, nor the right which belongs to the author to obtain an equitable remuneration which shall be fixed, failing agreement, by the competent authority.

### *Article 12*

The following shall be specially included among the unlawful reproductions to which the present Convention applies: unauthorized indirect appropriations of a literary or artistic work, such as adaptations, musical arrangements, transformations of a novel, tale, or piece of poetry into a dramatic piece and vice versa, etc., when they are only the reproduction of that work, in the same form or in another form without essential alterations, additions, or abridgments, and do not present the character of a new original work.

### *Article 13*

(1) The authors of musical works shall have the exclusive right of authorizing: (i) the adaptation of those works to instruments which can reproduce them mechanically; (ii) the public performance of the said works by means of these instruments.

(2) Reservations and conditions relating to the application of this Article may be determined by the domestic legislation of each country in so far as it is concerned; but the effect of any such reservations and conditions will be strictly limited to the country which has put them in force.

(3) The provisions of paragraph (1) shall not be retroactive, and consequently shall not be applicable in any country of the Union to works which have been lawfully adapted in that country to mechanical instruments before the coming into force of the Convention signed at Berlin on the 13th November, 1908, and in the case of a country which has acceded to the Union since that date, or accedes in the future, before the date of its accession.

(4) Adaptations made in virtue of paragraphs (2) and (3) of the present Article, and imported without the authority of the interested parties into a country where they would not be lawful, shall be liable to seizure in that country.

### *Article 14*

(1) Authors of literary, scientific or artistic works shall have the exclusive right of authorizing the reproduction and public representation of their works by cinematography.

(2) Cinematographic productions shall be protected as literary or artistic works if the author has given the work an original character. If this character is absent, the cinematographic production shall enjoy protection as a photographic work.

(3) Without prejudice to the rights of the author of the work reproduced or adapted, a cinematographic work shall be protected as an original work.

(4) The above provisions apply to reproduction or production effected by any other process analogous to cinematography.

### *Article 15*

(1) In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be consequently admitted to institute proceedings against pirates before the Courts of the various countries of the Union, it will be sufficient that their name be indicated on the work in the accustomed manner.

(2) For anonymous or pseudonymous works the publisher, whose name is indicated on the work, shall be entitled to protect the rights belonging to the author. He shall be, without other proof, deemed to be the legal representative of the anonymous or pseudonymous author.

### *Article 16*

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

(2) In such a country the seizure may also apply to reproductions imported from a country where the work is not protected, or has ceased to be protected.

(3) The seizure shall take place in accordance with the domestic legislation of each country.

### *Article 17*

The provisions of the present Convention cannot in any way affect the right belonging to the Government of each country of the Union

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to permit, to control, or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or productions in regard to which the competent authority may find it necessary to exercise that right.

### Article 18

(1) The present Convention shall apply to all works which at the moment of its coming into force have not yet fallen into the public domain in the country of origin through the expiration of the term of protection.

(2) If, however, through the expiration of the term of protection which was previously granted, a work has fallen into the public domain of the country where protection is claimed, that work shall not be protected anew in that country.

(3) The application of this principle shall take effect according to the stipulations contained in special Conventions existing, or to be concluded, to that effect between countries of the Union. In the absence of such stipulations, the respective countries shall regulate, each in so far as it is concerned, the manner in which the said principle is to be applied.

(4) The above provisions shall apply equally in case of new accessions to the Union, and also in the event of the term of protection being extended by the application of Article 7 or by abandonment of reservations.

### Article 19

The provisions of the present Convention shall not prevent a claim being made for the application of any wider provisions which may be made by the legislation of a country of the Union in favour of foreigners in general.

### Article 20

The Governments of the countries of the Union reserve to themselves the right to enter into special Arrangements between each other, provided always that such Arrangements confer upon authors more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention. The provisions of existing arrangements which satisfy the above-mentioned conditions shall remain applicable.

### Article 21

(1) The International Office established under the name of the 'Office of the International Union for the Protection of Literary and Artistic Works' shall be maintained.

(2) That Office is placed under the high authority of the Government of the Swiss Confederation, which regulates its organization and supervises its working.

(3) The official language of the Office shall be French.

### Article 22

(1) The International Office collects every kind of information relative to the protection of the rights of authors over their literary and artistic works. It arranges and publishes such information. It undertakes the study of questions of general interest concerning the Union, and, by the aid of documents placed at its disposal by the different Administrations, edits a periodical publication in the French language on the questions which concern the purpose of the Union. The Governments of the countries of the Union reserve to themselves the power to authorize by common accord the publication by the Office of an edition in one or more other languages, if experience should show this to be requisite.

(2) The International Office will always hold itself at the disposal of members of the Union with the view to furnish them with any special information which they may require relative to the protection of literary and artistic works.

(3) The Director of the International Office shall make, an annual report on his administration, which shall be communicated to all the members of the Union.

### Article 23

(1) The expenses of the Office of the International Union shall be shared by the countries of the Union. Until a fresh arrangement be made, they cannot exceed the sum of 120,000 Swiss francs a year. This sum may be increased, if necessary, by the unanimous decision of one of the Conferences provided for in Article 24.

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(2) The share of the total expense to be paid by each country shall be determined by the division of the countries of the Union and those subsequently acceding to the Union 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 ».....	15 »
4th ».....	10 »
5th ».....	5 »
6th ».....	3 »

(3) These coefficients are multiplied by the number of countries of each class, and the total product thus obtained gives the number of units by which the total expense is to be divided. The quotient gives the amount of the unit of expense.

(4) Each country shall declare, at the time of its accession, in which of the said classes it desires to be placed, but it may subsequently declare that it wishes to be placed in another class.

(5) The Swiss Administration prepares the budget of the Office, superintends its expenditure, makes the necessary advances, and draws up the annual account which shall be communicated to all the other Administrations.

### *Article 24*

(1) The present Convention may be submitted to revisions for the purpose of introducing therein amendments intended to perfect the system of the Union.

(2) Questions of this kind, as well as those which are of interest to the Union in other respects, shall be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries. The Administration of the country where a Conference is to meet prepares, with the assistance of the International Office, the programme of the Conference. The Director of the Office shall attend at the sittings of the Conferences, and shall take part in the discussions without the right to vote.

(3) No alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries composing it.

### *Article 25*

(1) Countries outside the Union which make provision for the legal protection of the rights forming the object of the present Convention may accede thereto on request to that effect.

(2) Such accession shall be notified in writing to the Government of the Swiss Confederation, who will communicate it to all the other countries of the Union.

(3) Such accession shall imply full acceptance of all the clauses and admission to all the advantages provided by the present Convention, and shall take effect one month after the date of the notification made by the Government of the Swiss Confederation to the other unionist countries, unless some later date has been indicated by the acceding country. It may, nevertheless, contain an indication that the acceding country wishes to substitute, provisionally at least, for Article 8, which relates to translations, the provisions of Article 5 of the Convention of 1886 revised at Paris in 1896, on the understanding that those provisions shall apply only to translations into the language or languages of that country.

### *Article 26*

(1) Any country of the Union may at any time notify in writing to the Government of the Swiss Confederation that the present Convention shall apply to all or any of its colonies, protectorates, territories under mandate or any other territories subject to its sovereignty or to its authority, or any territories under suzerainty, and the Convention shall thereupon apply to all the territories named in such notification. Failing such notification, the Convention shall not apply to any such territories.

(2) Any country of the Union may at any time notify in writing to the Government of the Swiss Confederation that the present Convention shall cease to apply to all or any of the territories which have been made the subject of a notification under the preceding paragraph, and the Convention shall cease to apply in the territories named in the notification given under this paragraph twelve months after the receipt of the latter notification by the Government of the Swiss Confederation.

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(3) All notifications given to the Government of the Swiss Confederation in accordance with the provisions of paragraphs (1) and (2) of the present Article shall be communicated by that Government to all the countries of the Union.

### *Article 27*

(1) The present Convention shall replace, in regard to the relations between the countries of the Union, the Convention of Berne of the 9th September, 1886, and the subsequent revisions thereof. The instruments previously in force shall continue to be applicable in regard to relations with countries which do not ratify the present Convention.

(2) The countries on whose behalf the present Convention is signed may retain the benefit of the reservations which they have previously formulated on condition that they make a declaration to that effect at the time of the deposit of their ratifications.

(3) The countries which are actually members of the Union, but on whose behalf the present Convention is not signed, may adhere to the Convention at any time. In that event they may enjoy the benefit of the provisions of the preceding paragraph.

### *Article 28*

(1) The present Convention shall be ratified, and the ratifications deposited at Rome, not later than the 1st July, 1931.

(2) It shall come into force, between the countries which have ratified it, one month after that date; nevertheless, if before that date it has been ratified by at least six countries of the Union, it shall come into force between those

countries one month after the deposit of the sixth ratification has been notified to them by the Government of the Swiss Confederation and, in the case of countries which ratify thereafter, one month after the notification of each of such ratifications.

(3) Until the 1st August, 1931, countries outside the Union may adhere to the Union by acceding either to the Convention signed at Berlin on the 13th November 1908, or to the present Convention. On or after the 1st August, 1931, they may accede only to the present Convention.

### *Article 29*

(1) The present Convention shall remain in force for an indefinite period until the termination of a year from the day on which it may have been denounced.

(2) 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 30*

(1) The countries which shall introduce in their legislation the duration of protection for fifty years contemplated by Article 7, paragraph (1), of the present Convention, shall give notice thereof in writing to the Government of the Swiss Confederation, who will communicate it at once to all the other countries of the Union.

(2) The same procedure shall be followed in the case of the countries renouncing the reservations made or maintained by them in virtue of Articles 25 and 27.