

THE DEPARTMENT OF
CANADA
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EXTERNAL AFFAIRS

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COPY. FROM LORD GREVE TO LORD GREY.

CANADA.
No. 554.

DOWNING STREET,
27th July, 1910.

My Lord,

With reference to previous correspondence on the subject of copyright, I have the honour to transmit to Your Excellency for the information of your Ministers, copies of a Memorandum showing the results of the proceedings of the Imperial Copyright Conference.

Memorandum
Bill
H.M. Ambassador
Berlin June 10th
Baron von Schoen
10th June.

2. I also enclose copies of the Bill which was examined by the Conference and which after amendment in accordance with the resolutions of the Conference, has been introduced into the Imperial Parliament. The terms of the Bill are intended to give legal effect to the resolutions arrived at by the Conference.

3. In view of the meeting of the Conference His Majesty's Government decided that it would not be possible to ratify the revised Convention of Berne and I enclose a copy of a despatch from His Majesty's Ambassador at Berlin showing what States have ratified the Convention and forwarding a copy of the note which he communicated to the German Foreign Minister explaining the position adopted by His Majesty's Government together with copy of Baron von Schoen's reply.

4. His Majesty's Government desire to place a record

Date 16th August 1910
REFERRED TO
The Minister of Agriculture
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DOMINIONS No. 2

record their very great appreciation of the care with which this important subject has been discussed by the representatives of the self-governing Dominions. It is their confident hope that in removing the restrictions on the powers of Dominion Legislatures which have hitherto existed with regard to Copyright they will in no way have affected the unity of Imperial and International Copyright, but will have secured that it shall owe its continuance to the concerted action of the Dominion Parliaments.

I have, etc.,

(Sd.) CREWE.

MEMORANDUM OF THE

Proceedings of the Committee on Copyright

July 1910

REPORT OF THE COMMITTEE ON COPYRIGHT
ESTABLISHED BY THE HOUSE OF COMMONS IN 1906
IN CONSEQUENCE OF A RESOLUTION PASSED ON 11th JULY 1906
AND A SECOND RESOLUTION PASSED ON 11th JULY 1907
AND A THIRD RESOLUTION PASSED ON 11th JULY 1908
AND A FOURTH RESOLUTION PASSED ON 11th JULY 1909
AND A FIFTH RESOLUTION PASSED ON 11th JULY 1910

Part I

COPY.

Note communicated to Sir E. Goschen by Freiherr von Schoen.

Translation.

The Undersigned has the honour to acknowledge the receipt of Sir E. Goschen's note of the 6th instant respecting the ratification of the revised Berne Copyright Convention.

With regard to the form of the subsequent adherence of England and her colonies to the revised convention, the undersigned begs to point out that, according to the protocol drawn up in yesterday's sitting respecting the deposit of ratifications after the 1st July of this year, they are to be transmitted to the Swiss Government, by whom they will be notified to the other States of the Union.

The undersigned avails etc.,

(Sd.) SCHOEN.

BERLIN, June 10th 1910.

INTERNATIONAL COPYRIGHT.

(June 13)

Section 1.

No. 1.

Sir E. Goschen to Sir Edward Grey.--(Received June 13.)

(NO.66, Commercial.)

Berlin, June 10, 1910.

Sir,

A Meeting of representatives of the Powers signatories of the revised Berne Copyright Convention of the 13th November, 1908, took place yesterday at the Imperial Foreign Office with a view to proceeding to the exchange of ratifications of that instrument.

In accordance with your instructions (conveyed to me in your despatch No.69, Commercial, of the 4th June), I had already informed the Imperial Government that His Majesty's Government have not yet been able to introduce the legislation necessary for giving effect in the United Kingdom to the change contained in the revised convention, and that they would consequently not be in a position to exchange ratifications at the meeting in question. I added that His Majesty's Government hoped that, as a result of the conference now being held in London with representatives of the Government of India and of the self-governing dominions, they would be able to propose legislation to Parliament which would enable them to accede to the convention under article 25, or to ratify it as a signatory Power, should the other signatories agree to an extension for one year of the period for ratification.

I have the honour to enclose herewith copy of the note in question and of the text of the proces-verbal submitted for signature at the meeting; the latter of these documents records the names of the States which have ratified without reserves: Germany, Belgium, Haiti, Liberia, Luxemburg, Monaco, and Switzerland; of the one State, Japan, which has ratified with reserves; and of the States which have not yet been able to ratify: Denmark, Spain, France, Great Britain, Italy, Norway, Sweden, and Tunis. Any further ratifications which may be deposited before the 1st July next will be recorded in the various copies of the proces-verbal, which will then be distributed among the signatories. All countries which have ratified before the 1st July will be free to put the convention into force on the 9th September, 1910.

Ratifications which are made after the 1st July must be notified to the Government of the Swiss Confederation. The countries so ratifying are free to put the convention into force on the 9th September next if they prefer such a course to availing themselves of the delay of three months, provided for in article 29 of the convention.

I signed the proces verbal, a completed copy of which should, as already mentioned, be communicated to His Majesty's Government after the 1st July next.

In the course of the proceedings Baron von Schoen, in the name of the Imperial Government, expressed the earnest hope that the outstanding ratifications might shortly be received, in order that the greatest benefit possible might be derived from the labours of the Berlin Conference in the interests of art and literature.

I have, etc.,

(Sd.) W. E. GOSCHEN.

Enclosure 1 in No. 1.

Note communicated to Baron von Schoen by Sir E. Goschen.

Your Excellency,

Berlin, June 6, 1910.

I have the honour to acknowledge the receipt of the note verbale from the Imperial Foreign Office, dated the 15th May last, in which was enclosed a circular inviting the Powers signatories of the revised Berne Copyright Convention of the 13th November, 1909, to proceed to the exchange of ratifications here on the 9th June next.

I at once forwarded a copy of this circular to His Majesty's Principal Secretary of State for Foreign Affairs, and have now the honour to inform Your Excellency that His Majesty's Government have not yet been able to introduce the legislation necessary for giving effect in the United Kingdom to the changes contained in the revised convention, and that they will consequently not be in a position to exchange ratifications of that instrument on the 9th instant.

I have at the same time the honour to request Your Excellency to inform the other signatory Powers to this effect, and further, to state that a conference on the subject of copyright, with representatives of the Government of India and of the self-governing dominions, was opened in London on the 18th ultimo, and that His Majesty's Government hope that, as a result of this conference, they will be able to propose legislation to Parliament with a view to enabling them either to accede to the revised convention under article 25 as if they were one of the States therein described; or to ratify it as a signatory Power if the signatory Powers agree to the extension for one year (till the 1st July, 1911) of the period within which the various contracting parties are permitted to deposit their ratifications, in accordance with article 28 of the revised convention.

I avail, &c.,
W. E. GOSCHEN.

Italie:

Enclosure 2 in No. 1.

Procès-verbal of Deposit of Ratifications of revised Berne Convention, signed at Berlin, November 13, 1908.

CONFORMÉMENT aux dispositions de l'article 28 de la Convention de Berne, révisée pour la Protection des Oeuvres littéraires et artistiques signée à Berlin le 13 novembre, 1908, et ensuite de l'invitation adressée à cet effet par le Gouvernement de l'Empire allemand aux Gouvernements des hautes parties contractantes, les représentants sous-signés se sont réunis aujourd'hui pour procéder à l'examen et au dépôt des ratifications.

Sont présents:

Allemagne:

- Son Excellence M.le Baron von Schoen, Secrétaire d'Etat au Département des Affaires Etrangères.
- Son Excellence M.le Dr. von Koerner, conseiller intime actuel, directeur au Département des Affaires Etrangères.
- M.le Dr. Dungs, conseiller intime supérieur de Régence, conseiller rapporteur au Département de la Justice.
- M.le Dr. Goebel von Harrant, conseiller intime de légation, conseiller rapporteur au Département des Affaires Etrangères.
- M. Robolski, conseiller intime supérieur de Régence, conseiller rapporteur au Département de l'Intérieur.

ENTERED IN
CANADA TREATY REGISTER

Revised Patent 10/11/10

Belgique :

M. le Baron Greindl, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi des Belges à Berlin.

Danemark :

M. Exel Nørgaard, chargé d'affaires de Danemark à Berlin.

Espagne :

Son Excellence M. Luis Polo de Bernabé, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté le Roi d'Espagne à Berlin.

France :

Son Excellence M. Jules Cambon, Ambassadeur extraordinaire et plénipotentiaire de la République française à Berlin.

Grande-Bretagne :

Son Excellence Sir W.E. Goschen, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté le Roi de Grande Bretagne à Berlin.

Haiti :

M. Fouchard, Envoyé extraordinaire et Ministre plénipotentiaire de la République d'Haiti à Berlin.

Italie :

Son Excellence M. Alberto Pansa, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté le Roi d'Italie à Berlin;

Japon :

Son Excellence M. le Baron Suteimi Chindi, Ambassadeur extraordinaire et plénipotentiaire de Sa Majesté l'Empereur du Japon à Berlin.

Libéria :

Son Excellence M. le Dr. von Koerner, conseiller intime actuel, directeur au Département des Affaires Etrangères d'Allemagne (par délégation).

Luxembourg :

M. le Dr. Comte Hippolyte de Villers, chargé d'affaires de Luxembourg à Berlin.

Monaco :

M. le Comte Balny d'Avricourt, Envoyé extraordinaire et Ministre plénipotentiaire de Son Altesse Sérénissime le Prince de Monaco à Paris.

Norvège :

M. le Ditten, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi de Norvège à Berlin.

Suede :

Suède :

M. de Trolle, Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi de Suède à Berlin.

Suisse :

M. le Dr. Alfred de Claparède, Envoyé extraordinaire et Ministre plénipotentiaire de la Confédération suisse à Berlin.

Tunisie :

Son Excellence M. Jules Cambon, Ambassadeur extraordinaire et plénipotentiaire de la République française à Berlin.

Il résulte des déclarations faites au sujet des ratifications par les représentants des Gouvernements des États formant l'Union internationale ce qui suit :-

1. L'Allemagne, le Belgique, Haïti, Liberia, Luxembourg, Monaco, et la Suisse ont ratifié la Convention de Berne révisée, du 13 novembre, 1908, dans sa teneur intégrale.

2. Le Japon, se basant sur l'article 27 de ladite convention, l'a ratifiée sous les réserves que voici :-

(1) En ce qui concerne le droit exclusif des auteurs de faire ou d'autoriser la traduction de leurs oeuvres, le Gouvernement Impérial du Japon, au lieu d'adhérer à l'article 8 de la convention susmentionnée, entend rester encore lié par les dispositions de l'article 5 de la Convention de Berne, du 9 septembre, 1886, amendé par le No. 3 de l'article 1^{er} de l'Acte additionnel, signé à Paris le 4 mai, 1896.

(2) En ce qui concerne l'exécution publique des oeuvres musicales, le Gouvernement Impérial du Japon, au lieu d'adhérer à l'article 11 de ladite convention révisée du 13 novembre 1908, entend rester lié par les dispositions de l'alinéa 3 de l'article 9 de la Convention de Berne, du 9 septembre, 1886.

3. Les Gouvernements des États ci-après ne sont pas encore en mesure de déposer leur ratification :

Danemark, Espagne, France, Grande-Bretagne, Italie, Norvège, Suède, et Tunisie.

En conséquence, les instruments des actes de ratification--

De Sa Majesté l'Empereur d'Allemagne, Roi de Prusse,
De Sa Majesté le Roi des Belges,
Du Président de la République d'Haïti,
De Sa Majesté l'Empereur du Japon,
Du Président de la République de Liberia,
De Son Altesse Royale le Grand-Duc de Luxembourg,
De Son Altesse Sérénissime le Prince de Monaco,
Du Conseil fédéral de la Confédération suisse

ont été produits et, ayant été reconnus en bonne et due forme, ont été remis entre les mains de M. le Ministre de la Confédération suisse pour être déposés aux archives du Gouvernement de ce pays, conformément à

l'article

l'article 28, alinea 2, de la Convention de Berne revisee, du 13 novembre, 1908.

Les Gouvernements des pays contractants qui seraient a meme de ratifier ladite convention revisee jusqu'un 1er juillet prochain, pourrangeront remettre les actes de ratification au Departement des Affaires etrangeres de l'Empire allemand jusqu'a cette date. La note par laquelle cet acte sera communique a ce departement, et qui contiendra, le cas échéant, les reserves prevues par l'article 27, alinea 2, sera consideree comme faisant partie integrante du present proces-verbal; elle sera ajoutée a tous les exemplaires et signee sur ceux-ci par M. le representant du pays respectif, apres quoi les exemplaires seront transmis a MM. les representants des pays signataires par le departement precite. Les pays qui ratifieront jusqu'au 1er juillet, 1910, la convention revisee du 13 novembre, 1908, auront la faculte de la faire entrer également en vigueur le 9 septembre, 1910.

Les ratifications qui interviendront apres le 1er juillet, 1910, seront notifiées au Gouvernement de la Confederation suisse et par celui-ci a tous les autres Etats contractants. Il est bien entendu que delai du 9 septembre, 1910, pourra aussi être choisi, pour la mise en vigueur de la convention revisee, par les Gouvernements des pays qui la ratifieront apres le 1er juillet, de preference au delai de trois mois, prévu par l'article 29 de cette convention.

En foi de quoi le present proces-verbal relatant les déclarations faites et le depot effectue a été signé par tous les representants presents.

Fait a Berlin, le 9 juin, 1910, en seize exemplaires, conformément a l'article 28, alinea 2, de la convention du 13 novembre, 1908.

Pour Allemagne: ✓

Pour la Belgique: ✓

Pour le Danemark:

Pour l'Espagne:

Pour la France:

Pour la Grande-Bretagne:

Pour la République d'Haiti:

Pour l'Italie:

Pour le Japon:

Pour la République de Libéria:

Pour le Luxembourg:

Pour Monaco:

Pour la Norvège:

Pour la Suède:

Pour la Suisse:

Pour la Tunisie:

COPY.

FROM LORD CREWE TO LORD GREY.

TELEGRAM

CODE.

LONDON, 24th February, 1910.

With reference to your telegram of the 18th February. Reasons why His Majesty's Government are anxious to arrange for 11th of May is that date for ratification of Berlin Convention has been fixed at the instance of Government of Germany for 9th June and it is therefore desirable not to begin Conference later than 11th May in order that His Majesty's Government may, if possible, be in position to make some statement of attitude of the Empire when ratifications take place at Berlin by other Powers and preferably as desired by Government of Germany in good time before 9th June. In view of this explanation I hope that Government of Canada will be able to spare Minister of Agriculture to attend on earlier date.

(sd.) CREWE.



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Ottawa, 20th January, 1910.

Dear Mr. Pope,-

There is a communication from London with regard to a Conference on copyright. Will you please see at once Mr. Fisher, who attends to these matters, and get his recommendation as to what is to be done.

Yours very sincerely,

W. P. Lunn

Joseph Pope, Esq., C.M.G., C.V.O.,
Under-Secretary of State for External Affairs,
Ottawa.

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