

The following is a résumé of the translation of the proceedings of the Conference by M. Marcel Plaisant:—

The Conference of Brussels was equally as important as those of Berlin and Rome proved to be. Thirty-five Unionist countries participated in the deliberations, and one, Bulgaria, sent observers. The non-participating Unionist countries and non-Unionist participating countries which were represented numbered eighteen, and the Conference had the benefit of representation from UNESCO. There were three plenary sessions, twenty-seven General Committee sessions, and twelve sessions of the Drafting Committee. In addition to these, there were various sittings of Study Committees which had been set up to organize the work of the Conference. Thus, the Committee of Applied Art, presided over by M. Coppieters de Gibson, met on three occasions; the Radio-diffusion Committee, presided over by M. Bolla, held eight meetings; and the Committee of Photography and Cinematography, presided over by M. Julio Dantas, held five meetings. So acute were the problems which arose during the course of the debates that a number of sub-committees were found necessary: one for the co-ordination of texts; another relative to Article 6bis; another relative to Article 4, paragraph (4); another relative to Article 11 and 11ter; and, finally, one for the purposes of Article 14, paragraph (3). A feature of the Conference was the diligence which was displayed by all representatives in the course of the sittings of the General and Special Committees.

Over eight justificatory documents were submitted during the course of the debates.

The title of the Convention now includes mention of the revision made at Brussels, and at the same time brings to attention the revision of Berlin of the 13th November, 1908, and that of Rome of the 2nd June, 1928.

The basic principle of the Convention is affirmed by Article 1. It is this Article which regulates protection under the Convention, and it has not undergone any change. On the contrary, such exchanges of views as took place on this subject appeared to have strengthened the essential purpose of the Union, which is to ensure protection of the rights of authors.

#### WORKS PROTECTED

Included in the Programme was a proposal to introduce cinematographic works in the enumeration of works to be protected. This proposal was favourably received by Great Britain and France, and from the first session it was unanimously agreed that cinematographic works should be given equality of protection. At the request of France, who had sponsored a similar proposition at Rome, the General Committee welcomed the principle of incorporating photographic works, which thus rise to the top rank of general protection. For both these types of work, the reference is completed by the phrase "and works produced by a process analogous to cinematography" or "analogous to photography." This has the advantage of including forms of inventive development impossible at this stage to foresee. It was not deemed necessary to specify that these works constitute an intellectual creation, for, as the delegate from Hungary observed, if literary and artistic works are spoken of, that in itself is a term which indicates that a personal creation or an intellectual creation in the realm of letters and the arts is involved.

Works of applied art likewise enjoy advancement into the general enumeration contained in Article 2. This has been the result of a long effort of mutual understanding. Equality of protection is henceforth secured, since applied arts are now inscribed in the frontispiece of the Brussels Convention. It should be mentioned, however, that paragraph (5) reserves to national Legislatures the application of laws concerning works of applied art and industrial models and designs as well as the conditions of protection of these works.

Paragraph (2) of Article 2, relating to translations and transformations, underwent a purely formal change in its first sentence. The second sentence, relating to translations of official texts of a legislative, administrative, or judicial character, indicates that, in accordance with the wish of Great Britain and a number of other countries, these works of general utility are not accorded the protection of the Convention. Indeed, countries are within their rights in reproducing these works in any manner necessary for their effectiveness.

Collections of works, which merely received mention in the text of Rome, formed the object of a Programme proposal. Henceforth they will figure in Article 2, paragraph (3). It was clear from the discussion of this subject that protection was acquired each time that the assembly or combination of texts assumed the character of an intellectual creation. If newspapers, magazines, and periodicals are not specifically designated, as the British delegation originally proposed they should be, they are nevertheless included to the extent that they constitute artistic creations in the matter of distribution and presentation of their contents. This right in respect of collective works cannot be recognized without recalling the right of authors as regards the individual works constituting such collections, and without taking into account a suggestion of the Danish delegation in this respect.

New paragraph (4) of Article 2 of the Convention assures protection directly on the Convention itself. In proposing this text, the Programme aptly observed that numerous provisions of the Convention directly establishing rights already existed without the intervention of national legislation