

## RESERVATION AS TO SPECIAL ARRANGEMENTS: STATUTE OF THE BUREAU, AND ITS LANGUAGE AND FUNCTIONS

Article 20, which reserves the right of making special arrangements, Article 21, which confers designation upon the Bureau of the International Union, the official language of which is French, and Article 22, which fixes the functions of the Bureau, have not formed the object of any change. The Berlin text, as confirmed at Rome, was once more conserved.

Article 23, which regulates the expenses of the International Bureau, gave rise to a debate, of which the terms were foreseeable as the result of a circular which had been sent out by the Bureau and which had received a probatory response from delegations. The British delegate not having insisted on the principles of equal sharing, the system of proportional sharing is to be continued, provisionally at any rate. The permitted expenditure of the Bureau has been increased to a maximum of 120,000 gold francs per annum.

Opportunity was taken here of saying that the Berne Bureau had always been most economical in its spendings, that it had fully lived up to its obligations, that it had never failed to give proof of impartiality, and that it had always been careful to disseminate information abundantly to all contracting countries. The desire was expressed that it would remain faithful to these salutary rules, and the Swiss Government was asked to take fitting steps to ensure that it be endowed, like other Unions, with a definite statute.

The Programme proposed to substitute for the present requirement of unanimity before changes can be made in the Convention an arrangement whereby a majority of five-sixths of the votes cast should suffice, thereby following the example set by the Pan-American Conference of Washington of June, 1946, which seemed to have been haunted by the fear of the right of veto. Czechoslovakia, Poland, and Hungary supported the principle of unanimity, and the Bureau, as a consequence, withdrew its proposal. Apart from the traditional arguments which can be developed in favour of the rule of unanimity, it is fitting to recall here that the Convention of the Union is a treaty law rather than a treaty contract. On the other hand, following the adoption of Article 2, paragraph (4), direct protection of copyright can arise for all countries parties to the Convention—that is to say, there is in existence a Convention right equivalent to a domestic right, which will assume increasing importance. By all appearances, unanimity imposes itself, apart from other reasons, between countries which accept this new legislative basis.

## RIGHTS OF ACCESSION

The Berlin text of Article 25, as confirmed at Rome, remains unchanged.

## POSITION OF COUNTRIES UNDER TRUSTEESHIP AND UNDER SPECIAL REGIMES

Article 26, which affords to countries the right of notifying in writing to the Swiss Government the application of the Convention to colonies, protectorates, and countries subject to special arrangements, naturally called for modifications following the observations of the delegate of Great Britain. These modifications were introduced whilst taking account of the requests and of the style employed in the Charter of the United Nations in 1945.

## SUBSTITUTION OF THE BRUSSELS CONVENTION FOR THE BERNE CONVENTION

Article 27, which is purely formal, is an abbreviation of the Rome text. It provides for the replacement of the Berne Convention, and the texts which have successively revised it, by the Convention of Brussels in the relationships between those countries which have ratified it. The earlier texts will retain their effectiveness between those countries which do not ratify this Convention.

## CLAUSE RELATING TO INTERNATIONAL JURISDICTION

The new Article 27<sup>bis</sup> institutes a clause governing international jurisdiction for the interpretation or application of the present Convention when differences arise between two or more countries. This text is the outcome of a long doctrinal campaign of which the stages are marked by proposals of the same kind submitted to the Hague Conference of 1925 for the Protection of Industrial Property and to the Rome Conference of 1928. At those stages the proposals emanated from the International Institute of Intellectual Co-operation, as well as from the Norwegian delegation, and they were also supported by M. Raymond Weiss, who made himself the ardent protagonist of this extension of international justice within the domain of these Unions. The proposal was likewise renewed at the London Conference of 1934. The present proposal was initiated by the Swedish delegation, which invited the French delegation to join forces in the matter. Numerous other delegations also gave their support.

The competence of the International Court of Justice and its procedure, regulated by the Statute annexed to the Charter of the United Nations of the 26th June, 1945, is established without being imposed. The contracting countries retain the right to choose arbitration or any other means of settling differences.

The principle of accepting judgments will be respected.

Litigation will be limited, and can naturally only arise between countries themselves eligible to appear before the Court of International Justice.