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Report on Copyright Convention



As all listeners are aware, the subject of Copyright is a very important one in connection with broadcasting, and last Session special temporary legislation was passed by Parliament to safeguard broadcasting from an Injunction threatened by Australasian Performing Rights Association, Limited. Parliament's object in passing the legislation it did last year, to be effective for twelve months, was to provide time for the report from Mr. S. G. Raymond, K.C., the Special Representative of New Zealand at the International Copyright Conference, held in Rome last year, to arrive and be considered. Mr. Raymond is a leading legal authority, and ably represented New Zealand at the Conference. His report has now been prepared and made available to the House of Representatives. It will be the foundation of the legislation that will be considered and adopted by Parliament in the next Session. In order, it is hoped, to put the copyright position on a basis of permanent satisfaction.

THE report, as presented, although concise in its treatment of the subject, is necessarily lengthy on account of the extent and ramifications of the matter dealt with. The first section deals with the Conference itself, and briefly discusses the delegations and the proceedings, which lasted in Rome from Monday, May 7, 1928, until June 2, when a Convention embodying the decisions reached was signed by representatives of nearly all the States of the Copyright Union. This convention is subject to ratification by the Governments of the various countries of the Union. The Rome Convention, if accepted by New Zealand, must be ratified, and ratifications exchanged at Rome not later than July 1, 1931. The next sitting of the Conference is fixed for Brussels in 1935. All the

Recommendations of Mr. S. S. Raymond, K.C.

British delegates signed the Convention except the Irish Free State.

THE second portion of the report deals with the Dominions' entry into the Union, and discusses the advantages and results of such entry. Their entry is recorded as having introduced an entirely new element—an element putting forward views considered as little short of revolutionary by some of the older members of the Union. From the population point of view, their weight was, of course, insignificant compared with the other densely-populated countries; but the importance of their entry lay in the fact that at the Rome Conference the interests of the public—that great body of purchasers and consumers of copyright wares—were vigorously voiced by the Dominions for the first time in the history of Copyright Conferences.

Evolution of the Conference.

THE third section of the report dealt with Movement in International Copyright from Diversity towards Uniformity Conditions. This section outlines the history of previous international conferences and the development at various stages to establish uniformity of practice in all countries subscribing to the Convention. The initial tendency of the Convention was to extend protection to, and advancement of authors' rights, and so long as authors and publishers were dominant at the conferences they were successful in having their views accepted by the National Legislatures.

That movement, however, sustained two main checks to its development. Each time the check was occasioned by the entry to the Conference of representatives of in-

terests differing from those of the copyright-owners. "The first interest to make itself felt was the industrial one. Between 1886 and 1908 the gramophone industry had sprung up and was well established, employing large numbers of workmen and much capital. It asserted itself so effectively at the Berlin Conference of 1908 that any person may now, subject to certain conditions, without the consent of the owner, make gramophone records of a copyright musical work upon payment of a royalty. This is the compulsory license system, bitterly opposed at the time, and still subject to bitter but hopeless attacks. It is secured by Article 13 of the Berlin Convention, and reappears in Article 13 of the Rome Convention, and is there for good and all, for its revocation can only be obtained by the unanimous vote of the nations of the Union.

"The second check to the progress of the movement towards uniformity occurred at the Rome Conference. This time the debate was on radio-diffusion, and it was at the hands of the Dominions of Australia and New Zealand, representing the public interests, that the check was administered. These Dominions were unfettered by the over-emphasised traditional respect for copyright-holders' rights, and unhampered by capitalistic interests, so powerful in the counsels of the Old World countries. They were combating a world-wide association, having great capital revenues, and they succeeded by asserting the principle of home rule in radiophonic control, and thus stemmed the tide of copyright uniformity. The problem as it appeared to the New Zealand delegate was how to reconcile the just claims of the owners of copyright with the public interest."

Effect on Broadcasting.

THE fourth section of the report deals with the results of the Convention and the technical means to be adopted to bring New Zealand legislation within the Convention.

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