

taken from there or whether their rough drafts have not been deposited in accordance with the former rules, are State property and may not be printed nor published without authority.

ART. 2. This authorization shall be given by our Minister of Foreign Relations for publication of works in which are contained copies, extracts or quotations from manuscripts which pertain to the archives of his Ministry and by our Minister of the Interior, for such works as contain copies, extracts or citations from manuscripts which pertain to any of the other public institutions mentioned in the preceding paragraph.

ART. 3. Our Ministers of Foreign Relations and of the Interior are charged, each as far as applicable, with the execution of this decree.

DECREE REGULATING PRINTING AND BOOKSELLING.

(February 5, 1810.)

(Unrepealed portions.)

ART. 41. Confiscation and fine for the benefit of the State shall take place, without prejudice to the application of the provisions of the Penal Code:

(7) If there is an infringement, that is to say, if a work is printed without the consent, or to the prejudice, of the author or publisher or their legal representatives.

ART. 45. Offences shall be established by the inspectors of printing houses and bookselling establishments, police officers and besides by the customs inspectors as to books coming from abroad.

PENAL CODE OF 1810.

ART. 420. Every publication of writings, musical compositions, drawings, paintings or of any other publication, printed and engraved, in whole or in part, in violation of the laws and regulations relating to the property of authors is an infringement and every infringement is a misdemeanor (*délit*).

ART. 426. The sale of piratical works and the introduction into French territory of works which after having been printed in France, have been illegally copied abroad are crimes of the same kind.

ART. 427. The punishment of the manufacturer of the infringement or introducer shall be a fine not less than 100 francs nor more than 2000 francs and of the seller a fine not less than 25 nor more than 500 francs.

Confiscation of the piratical edition shall be decreed as well against the manufacturer as against the introducer or seller.

The plates, models or matrices of the piratical objects shall also be confiscated.

ART. 428. Every director, or theatrical manager and every company of artists which shall perform in his or its theatre, dramatic works in violation of the laws and regulations relating to the property of authors shall be punished by a fine of not less than 50 nor more than 500 francs and by confiscation of the gross receipts.

ART. 429. In cases covered by the four preceding Articles, the product of confiscations or the confiscated receipts shall be turned over to the proprietor to compensate him, to that extent, for the wrong which he has suffered or the entire indemnity, if there has been neither sale of confiscated objects nor seizure of receipts, shall be regulated in the usual method.

ART. 463. In all cases where the punishment of imprisonment or that of fine shall be prescribed by the Penal Code, if the circumstances appear extenuating, the criminal courts are authorized, even in the case of a second offence, to reduce imprisonment even below six days and fine even below sixteen francs. They may also separately award one or another of these punishments and even substitute fine for imprisonment, provided that in no case shall the punishment be below that fixed for violations of ordinary police regulations (*simple police*).

DECREE RELATING TO THE RIGHTS OF LITERARY AND ARTISTIC PROPERTY IN WORKS PUBLISHED ABROAD.¹¹

(March 28, 1852.)

Louis Napoleon, President of the French Republic, upon the report of the Keeper of the Seals, the Secretary-Minister of State, at the Department of Justice, considering the law of July 19, 1793, the decrees of March 22, 1805, February 5, 1801, June 13, 1795 and articles 425, 426, 427 and 429 of the Penal Code, decrees:

ART. I. The piratical copying in French territory of works published abroad and mentioned in Article 425 of the Penal Code shall be a misdemeanor (*délit*).

ART. II. It is the same with respect to the sale, exportation and shipment of piratical works. The exportation and shipment of such works

11—In accordance with this decree, which has the force of statute, works appearing abroad are placed on precisely the same footing as those appearing in France, except, it seems, as to the right of public performance, and except that it seems doubtful if such rights can exceed those enjoyed by the author in the country of origin. The Statute only applies, however, in the absence of treaty. See Lyon-Caen & Delalain, p. 35-8.

shall be a crime of the same kind as the introduction into French territory of works which after having been printed in France have been unlawfully reproduced abroad.

ART. III. The crimes referred to in the preceding Articles shall be punished as prescribed in Articles 427 and 429 of the Penal Code.

Article 463 of the same Code may be applied.

ART. IV. Nevertheless, actions at law are only permitted after fulfillment of the conditions with respect to works published in France, especially of Article 6 of the law of July 19, 1793.¹²

DECREE PROVIDING THAT THE LAWS AND OTHER DECREES WHICH GOVERN LITERARY AND ARTISTIC PROPERTY IN FRANCE SHALL BE IN FORCE IN THE COLONIES OF FRANCE.

(December, 1857.)

This decree, while unrepealed, is, apparently, superseded by the Decree of October 29, 1887 (*post*).

DECREE RELATING TO THE LIBERTY OF THE THEATRE.¹³

(January 6, 1864.)

ART. 3. Every dramatic work before being performed must, pursuant to the provisions of the decree of December 30, 1852, be examined and authorized by the Minister of our Household and of the Fine Arts, in the case of Parisian theatres and by the prefects, in the case of provincial theatres.

This authorization may always be rescinded for reasons of public order.

LAW RELATING TO MECHANICAL MUSICAL INSTRUMENTS.

(May 16, 1866.)

ART. 1. The manufacture and sale of instruments serving to reproduce mechanically musical airs which are private property, does not constitute the act of musical piracy specified in and punished by the law of July 19-24, 1793, taken in connection with Articles 425 and following of the Penal Code.¹⁴

12—The formalities prescribed with respect to deposit are now regulated by the law of July 29, 1881 (*post*).

13—Only the Article dealing especially with copyright is reproduced in this work.

14—This law is not applicable to nationals of countries which are parties to the Berne Conventions.

LAW RELATING TO THE DURATION OF THE RIGHTS OF
HEIRS AND LEGAL REPRESENTATIVES OF AUTHORS,
COMPOSERS OR ARTISTS.

(July 14, 1866.)

ART. 1. The duration of the rights given by laws heretofore enacted to heirs, those who inherit out of the regular order (*successesseurs irréguliers*), donees or legatees of authors, composers or artists is extended to fifty years after the death of the author.

During this period of fifty years, the surviving husband or wife, whatever may be the matrimonial status, and irrespective of the rights which might result in favor of such husband or wife if the matrimonial status is that of community of property, has the personal enjoyment of the rights which the deceased author has not disposed of by assignment during life or by will.

However, if the author leaves residuary legatees this enjoyment of the right is reduced for their benefit in proportion and in accordance with the distinctions established by Articles 913 and 915 of the Civil Code.

This enjoyment of the right does not exist where a legal separation, decreed against the surviving spouse, is in force at the time of the other's death and it ceases if the surviving spouse remarries.

The rights of residuary legatees and of heirs or legal successors shall, in other respects, during this period of fifty years, be governed by the provisions of the Civil Code.

In cases of escheat, the exclusive right ceases, without prejudice, however, to the rights of creditors and to the performance of contracts for transfer which have been made by the author or his representatives.

ART. 2. All the provisions of prior laws contrary to those of this law are hereby repealed.

LAW ON THE LIBERTY OF THE PRESS.

(July 29, 1881.)

CHAPTER I.

Concerning printing and book selling establishments.

ART. 3. Upon publication of any printed matter, the printer must make a deposit of two copies for the national collections, under penalty of a fine of from 16 to 300 francs if he does not make it. This deposit shall be made with the Minister of the Interior in Paris; at the office of

the Prefect, in the chief towns of Departments; at the office of the Sub-prefect at the chief places in *Arrondissements* and in other towns at the Mayoralty. The entry of the deposit shall show the title of the printed work and the number of the edition. Voting lists, commercial and trade circulars and so-called *ouvrages de ville* and *bilboquets*, are excepted from this provision.

ART. 4. The preceding provisions are applicable to every kind of printed matter. Nevertheless, in the case of prints, music and, in general, of productions other than those which are printed, the deposit shall consist of three copies.

DECREE DECLARING THE PROVISIONS OF LAW WHICH GOVERN LITERARY AND ARTISTIC PROPERTY IN FRANCE APPLICABLE TO THE COLONIES.

(October 29, 1887.)

The President of the French Republic, on the report of the Minister of Marine and of the Colonies and of the Keeper of the Seals and Minister of Justice, having regard to Articles 7, 8 and 18 of the decree of the Senate of May 3, 1854, and the decree of December 9, 1857, respecting literary and artistic property in the colonies, decrees:

ART. 1. The provisions of law which govern literary and artistic property in France are made applicable to the Colonies.

ART. 2. The Minister of Marine and of the Colonies and the Keeper of the Seals and Chief Justice, are each charged, as far as applicable to him, with the execution of this decree which shall be published in the official Journal of the Republic and the official Bulletin for the Administration of Colonies.

LAW CONCERNING FRAUDS WITH RESPECT TO ARTISTIC WORKS.

(February 9, 1895.)

ART. 1. There shall be punished by imprisonment of not less than one year nor more than five years and by a fine of not less than 16 nor more than 3000 francs, without prejudice to an action for damages:

- (1) those who shall have fraudulently placed or caused to appear, a name not belonging to them, upon a painting, work of sculpture, drawing, engraving or of music;
- (2) those who shall have fraudulently and with the aim of deceiving the purchaser with respect to the personality of the author, imitated his signature or a mark adopted by him.

ART. 2. The same punishments are applicable to any dealer or commission merchant who knowingly receives, places on sale or in circulation, objects bearing such names, signatures or marks.

ART. 3. Such illegal objects shall be confiscated and turned over to the complainant or destroyed, if he refuses to receive them.

ART. 4. This law applies to works not fallen into the public domain, without prejudice however to the application of Article 423 of the Penal Code.

ART. 5. Article 463 of the Penal Code shall apply to cases covered by Articles 1 and 2.

LAW EXTENDING THE APPLICATION OF THE LAW OF JULY 19-24, 1793, RESPECTING ARTISTIC AND LITERARY PROPERTY TO WORKS OF SCULPTURE.

(March 11, 1902.)

ART. 1. The words "architects, sculptors" are added to Article 1 of the Law of July 19-24, 1793, after the words "the authors of writings of every kind, the composers of music."

ART. 2. The paragraph following is added to Article 1 of the law of July 19-24, 1793: "Sculptors and ornamental designers shall have the same rights, whatever the merit or purpose of the work may be."

LAW RESPECTING THE PROTECTION OF THE RIGHT OF AUTHORS WITH RESPECT TO REPRODUCTION OF WORKS OF ART.

(April 9, 1910.)

The transfer of the right to a work of art does not, in the absence of agreement to the contrary, involve a transfer of the right to reproduce it.¹⁵

15—Works produced for the State or purchased by it, are not covered by this law but by the Decree of November 3, 1878, as amended by Decree of March 18, 1913. The text will be found in *Le Droit d'Auteur*, June 15, 1913. Such works may not be reproduced without the consent of the State.

INTERNATIONAL COPYRIGHT CONVENTIONS

TEXT OF THE CONVENTION CREATING THE INTERNATIONAL COPYRIGHT UNION, SEPTEMBER 5, 1887, TOGETHER WITH ADDITIONAL ARTICLES, SIGNED AT PARIS, MAY 4, 1896.

The treaty was signed at Berne on September 9, 1886, by the plenipotentiaries of ten nations, and ratifications were exchanged at Berne, on September 5, 1887, the *procès-verbal* being signed by the representatives of Great Britain, Germany, Belgium, Spain, France, Haiti, Italy, Switzerland, and Tunis.

The following countries have joined the International Copyright Union subsequent to the date of its formation: Luxembourg, on June 20, 1888; Monaco, on May 30, 1889; Montenegro, on July 1, 1893 (but withdrew from the Union on April 1, 1900); Norway, on April 13, 1896; Japan, on July 15, 1899; Denmark, on July 1, 1903; Sweden, on August 1, 1904; Great Britain's colonies, the Transvaal, and the Orange River Colony, on May 6, 1903; Liberia, on October 16, 1908; Portugal and colonies, on March 29, 1911; The Netherlands, on November 1, 1912, and for its colonies, the Dutch Indies, Curaçao and Surinam, on April 1, 1913.

The three nations of first rank not yet members of the Union are, the United States, Russia, and Austria-Hungary.

BERNE INTERNATIONAL COPYRIGHT UNION.

Text of the Convention creating an International Union for the protection of Literary and Artistic Works, Signed at Berne, Switzerland, September 9, 1886, Ratified September 5, 1887.

ARTICLE I.

The contracting States are constituted into an Union for the protection of the rights of authors over their literary and artistic works.

Union to protect literary and artistic works.

ARTICLE II.

Authors of any one of the countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, whether published in one of those countries or unpublished, the rights which the respective laws do now or may hereafter grant to natives.

Authors to enjoy in other countries the rights granted to natives.

The enjoyment of these rights is subject to the accomplishment of the conditions and formalities prescribed by law in the country of origin of the work, and cannot exceed in the other countries the term of protection granted in the said country of origin.

Conditions and formalities of country of origin to be fulfilled.

Term of protection.

The country of origin of the work is that in which the work is first published, or if such publication takes place simultaneously in several countries of the Union, that one of them in which the shortest term of protection is granted by law.

Country of first publication to be considered country of origin.

For unpublished works the country to which the author belongs is considered the country of origin of the work.¹

Unpublished works.

ARTICLE II. The first paragraph of Article II shall run as follows:

“Authors of any countries of the Union, or their lawful representatives, shall enjoy in the other countries for their works, either not published or published for the first time in one of those countries, the rights which the respective laws do now or shall hereafter grant to natives.”

A fifth paragraph is further more added, which runs thus:

“Posthumous works are included amongst protected works.”

1—Amendments to the International Copyright Convention of September 9, 1886, agreed to at Paris, May 4, 1896, will be found in smaller type immediately following Article Amended.

ARTICLE III.

Publishers of works published in one of the countries of the Union protected.

The stipulations of the present Convention apply equally to the publishers of literary and artistic works published in one of the countries of the Union, but of which the authors belong to a country which is not a party to the Union.

ARTICLE III. Article III shall run as follows:

“Authors, not subjects of one of the countries of the Union, but who shall have published, or caused to be published for the first time, their literary or artistic works in one of those countries, shall enjoy for those works the protection accorded by the Berne Convention, and by the present additional act.”

ARTICLE IV.

Definition of “literary and artistic works.”

The expression “literary and artistic works” comprehends books, pamphlets, and all other writings; dramatic or dramatico-musical works, musical compositions with or without words; works of design, painting, sculpture, and engraving; lithographs, illustrations, geographical charts; plans, sketches, and plastic works relative to geography, topography, architecture, or science in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

ARTICLE V.

Exclusive right of translation.

Authors of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works until the expiration of ten years from the publication of the original work in one of the countries of the Union.

Works published in incomplete parts.

For works published in incomplete parts (“livraisons”) the period of ten years commences from the date of publication of the last part of the original work.

Works published in several volumes.

For works composed of several volumes published at intervals, as well as for bulletins or collections (“cahiers”) published by literary or scientific societies, or by private persons, each volume, bulletin or collection is, with regard to the period of ten years, considered a separate work.

Terms to date from end of year of publication.

In the cases provided for by the present article, and for the calculation of the period of protection, the 31st of De-

member of the year in which the work was published is admitted as the date of publication.

ARTICLE V. The first paragraph of Article V shall run as follows:

“Authors of any of the countries of the Union, or their lawful representatives, shall enjoy in the other countries the exclusive right of making or authorizing the translation of their works during the whole duration of the right in the original work. But the exclusive right of translation shall cease to exist when the author shall not have made use of it within a period of ten years from the first publication of the original work, by publishing or causing to be published in one of the countries of the Union, a translation in the language for which protection shall be claimed.”

Right of translation expires after ten years.

ARTICLE VI.

Authorized translations are protected as original works. They consequently enjoy the protection stipulated in Articles II and III as regards their unauthorized reproduction in the countries of the Union.

Translations protected.

It is understood that, in the case of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

New translations by other writers.

ARTICLE VII.

Articles from newspapers or periodicals published in any of the countries of the Union may be reproduced in original or in translation in the other countries of the Union, unless the authors or publishers have expressly forbidden it. For periodicals it is sufficient if the prohibition is made in a general manner at the beginning of each number of the periodical.

Reproduction of newspaper articles.

This prohibition cannot in any case apply to articles of political discussion, or to the reproduction of news of the day or *current topics*.

Articles of political discussion, etc., not protected.

ARTICLE VII. Article VII shall run as follows:

“Serial novels (*‘Romans-feuilletons’*), including novels published in newspapers or periodicals of one of the countries of the Union, cannot be reproduced, in original or in translation, in the other countries, without the authorization of their authors or of their lawful representatives.

Serial novels protected.

“This applies equally to other articles in newspapers or periodicals, whenever the authors or publishers shall have ex-

Newspaper articles protected.

<p>Periodicals protected.</p> <p>Reproduction permitted if credit is given.</p>	<p>expressly declared in the paper or periodical in which they may have published them, that they forbid their reproduction.</p> <p>“For periodicals it is sufficient if the prohibition is made in a general way, at the beginning of each number.</p> <p>“In the absence of prohibition, reproduction will be permitted on condition of indicating the source.</p> <p>“This prohibition cannot in any case apply to articles of political discussion, to the news of the day, or to current topics.”</p>
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ARTICLE VIII.

<p>Extracts from literary or artistic works.</p>	<p>As regards the liberty of extracting portions from literary or artistic works for use in publications destined for educational or scientific purposes, or for chrestomathies, the matter is to be decided by the legislation of the different countries of the Union, or by special arrangements existing or to be concluded between them.</p>
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ARTICLE IX.

<p>Representation of dramatic or dramatico-musical works.</p> <p>Translations of dramatic works.</p> <p>Public performance of musical works.</p>	<p>The stipulations of Article II apply to the public representation of dramatic or dramatico-musical works, whether such works be published or not.</p> <p>Authors of dramatic or dramatico-musical works, or their lawful representatives, are, during the existence of their exclusive right of translation, equally protected against the unauthorized public representation of translations of their works.</p> <p>The stipulations of Article II apply equally to the public performance of unpublished musical works, or of published works in which the author has expressly declared on the title page or commencement of the work that he forbids the public performance.</p>
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ARTICLE X.

<p>Adaptations, etc., considered as infringement.</p> <p>Courts of the various countries to con-</p>	<p>Unauthorized indirect appropriations of a literary or artistic work of various kinds, such as <i>adaptations, arrangements of music, etc.</i>, are specially included amongst the illicit reproductions to which the present Convention applies, when they are only the reproduction of a particular work, in the same form, or in another form, with non-essential alterations, or abridgements, so made as not to confer the character of a new original work.</p> <p>It is agreed that, in the application of the present article, the tribunals of the various countries of the Union will, if</p>
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there is occasion, conform themselves to the provisions of their respective laws. form to their own laws.

ARTICLE XI.

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. Author's name to be indicated on work.

For anonymous or pseudonymous works, the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the lawful representative of the anonymous or pseudonymous author. Publisher of anonymous or pseudonymous works considered as representative of author.

It is, nevertheless, agreed that the tribunals may, if necessary, require the production of a certificate from the competent authority to the effect that the formalities prescribed by law in the country of origin have been accomplished, as contemplated in Article II. Courts may require certificate of accomplishment of formalities.

ARTICLE XII.

Pirated works may be seized on importation into those countries of the Union where the original work enjoys legal protection. Seizure of pirated copies.

The seizure shall take place conformably to the domestic law of each State.

ARTICLE XII. Article XII shall run as follows:

“Pirated works may be seized by the competent authorities of the countries of the Union where the original work has a right to legal protection.

“The seizure will take place conformably to the domestic legislation of each country.”

ARTICLE XIII.

It is understood that the provisions of the present Convention cannot in any way derogate from the right belonging to the Government of each country of the Union 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 Each government to exercise supervision.

the competent authority may find it necessary to exercise that right.

ARTICLE XIV.

Convention to apply to all works not in public domain at the time of its going into force.

Under the reserves and conditions to be determined by common agreement,^a the present Convention applies to all works which at the moment of its coming into force have not fallen into the public domain in the country of origin.

ARTICLE XV.

Right of governments to make separate treaties reserved.

It is understood that the Governments of the countries of the Union reserve to themselves respectively the right to enter into separate and particular arrangements between each other, provided always that such arrangements confer upon authors or their lawful representatives more extended rights than those granted by the Union, or embody other stipulations not contrary to the present Convention.

ARTICLE XVI.

International office.

An International Office is established, under the name of "Office of the International Union for the Protection of Literary and Artistic Works."

This Office, of which the expenses will be borne by the Administrations of all the countries of the Union, is placed under the high authority of the Superior Administration of the Swiss Confederation, and works under its direction. The functions of this Office are determined by common accord between the countries of the Union.

ARTICLE XVII.

Revisions of Convention.

The present Convention may be submitted to revisions in order to introduce therein amendments calculated to perfect the system of the Union.

Future conferences.

Questions of this kind, as well as those which are of interest to the Union in other respects, will be considered in Conferences to be held successively in the countries of the Union by delegates of the said countries.

Alterations of Convention must be by unanimous consent.

It is understood that no alteration in the present Convention shall be binding on the Union except by the unanimous consent of the countries comprising it.

^a—See paragraph 4 of Final Protocol, p. 11.

ARTICLE XVIII.

Countries which have not become parties to the present Convention, and which grant by their domestic law the protection of rights secured by this Convention, shall be admitted to accede thereto on request to that effect.

Accession of
other countries.

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.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages provided by the present Convention.

ARTICLE XIX.

Countries acceding to the present Convention shall also have the right to accede thereto at any time for their colonies or foreign possessions.

Accession for
colonies or
foreign pos-
sessions.

They may do this either by a general declaration comprehending all their colonies or possessions within the accession, or by specially naming those comprised therein, or by simply indicating those which are excluded.

ARTICLE XX.

The present Convention shall be put in force three months after the exchange of the ratifications, and shall remain in effect for an indefinite period until the termination of a year from the day on which it may have been denounced.

Convention to
take effect
three months
after exchange
of ratifications.

Such denunciation shall be made to the Government authorized to receive accessions, and shall only be effective as regards the country making it, the Convention remaining in full force and effect for the other countries of the Union.

Withdrawal
from the
Convention.

ARTICLE XX. The second paragraph of Article XX shall run as follows:

“This denunciation shall be addressed to the Government of the Swiss Confederation. It shall only take effect in respect of the country which shall have made it, the Convention remaining operative for the other countries of the Union.”

Denunciation
of treaty.

ARTICLE XXI.

The present Convention shall be ratified, and the ratifications exchanged at Berne, within the space of one year at the latest.

Convention to
be ratified
within one
year.

ADDITIONAL ARTICLE.

Convention not to affect existing conventions conferring more extended rights.

The Convention concluded this day in no wise affects the maintenance of existing conventions between the contracting States, provided always that such conventions confer on authors, or their lawful representatives, rights more extended than those secured by the Union, or contain other stipulations which are not contrary to the said Convention.

FINAL PROTOCOL.

Protection of photographs.

1. As regards Article IV, it is agreed that those countries of the Union where the character of artistic works is not refused to photographs, engage to admit them to the benefits of the Convention concluded to-day, from the date of its coming into effect. They are, however, not bound to protect the authors of such works further than is permitted by their own legislation, except in the case of international engagements already existing, or which may hereafter be entered into by them.

Photograph of work of art protected.

It is understood that an authorized photograph of a protected work of art shall enjoy legal protection in all the countries of the Union, as contemplated by the said Convention, for the same period as the principal right of reproduction of the work itself subsists, and within the limits of private arrangements between those who have legal rights.

Choregraphic works admitted to the benefits of the Convention in countries whose legislation includes them.

2. As regards Article IX, it is agreed that those countries of the Union whose legislation implicitly includes choregraphic works amongst dramatico-musical works, expressly admit the former works to the benefits of the Convention concluded this day.

It is, however, understood that questions which may arise on the application of this clause shall rest within the competence of the respective tribunals to decide.

Mechanical reproduction of music not infringement.

3. It is understood that the manufacture and sale of instruments for the mechanical reproduction of musical airs which are copyright, shall not be considered as constituting an infringement of musical copyright.

ARTICLE II.

The "Protocole de Clôture" annexed to the Convention of the 9th September, 1886, is modified as follows:

1. No. 1. This number shall run as follows:

“1. With regard to Article IV, it is agreed as follows:

“(a.) In the countries of the Union in which protection is accorded not only to architectural designs, but to the actual works of architecture, those works are admitted to the benefit of the provisions of the Convention of Berne and of the present additional act.

Works of
architecture
protected.

(b.) Photographic works, and those obtained by similar processes, are admitted to the benefit of the provisions of these acts, in so far as the domestic legislation allows this to be done, and according to the measure of protection which it gives to similar national works.

Photographic
works.

It is understood that the authorized photograph of a protected work of art enjoys legal protection in all the countries of the Union, within the meaning of the Convention of Berne and the present additional act, as long as the principal right of reproduction of this work itself lasts, and within the limits of private conventions between those who have legal rights.”

4. The common agreement alluded to in Article XIV of the Convention is established as follows:

The application of the Convention to works which have not fallen into the public domain at the time when it comes into force, shall operate according to the stipulations on this head which may be contained in special conventions, either existing or to be concluded.

Application of
the Convention.

In the absence of such stipulations between any countries of the Union, the respective countries shall regulate, each for itself, by its domestic legislation, the manner in which the principle contained in Article XIV is to be applied.

Each country
to regulate for
itself the man-
ner in which
Convention
shall apply.

2. No. 4. This number shall run as follows:

4. “The common agreement provided for in Article XIV of the Convention is determined as follows:

“The application of the Convention of Berne and of the present additional act to works that had not fallen into the public domain in the country of origin when these acts came into force, shall take effect according to the stipulations relative to this point which are contained in special conventions either now existing or to be concluded to this effect.

Application of
the Convention.

“In the absence of such stipulations between countries of the Union, the respective countries shall regulate, each for itself, by its domestic legislation, the manner in which the principle contained in Article XIV is to be applied.

“The stipulations of Article XIV of the Convention of Berne and of the present number of the ‘Protocole de Clôture’ apply equally to the exclusive right of translation, as granted by the present additional act.

Exclusive right
of translation.

“The above-mentioned temporary provisions are applicable in case of new accessions to the Union.”

Organization
of Interna-
tional Office.

5. The organization of the International Office, established in virtue of Article XVI of the Convention, shall be fixed by a regulation which shall be drawn up by the Government of the Swiss Confederation.

Official lan-
guage to be
French.

The official language of the International Office will be French.

Duties of
International
Office.

The International Office will collect all kinds of information relative to the protection of the rights of authors over their literary and artistic works. It will arrange and publish such information. It will study questions of general utility likely to be of interest to the Union, and, by the aid of documents placed at its disposal by the different administrations, will edit a periodical publication in the French language treating questions which concern the Union. The Governments of the countries of the Union reserve to themselves the faculty of authorizing, 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.

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 they may require relative to the protection of literary and artistic works.

Country where
a conference is
to be held to
prepare pro-
gramme.

The Administration of the country where a Conference is about to be held, will prepare the programme of the Conference with the assistance of the International Office.

Director of the
International
Office.

The Director of the International Office will attend the sittings of the Conferences, and will take part in the discussion without a deliberate voice. He will make an annual report on his administration, which shall be communicated to all the members of the Union.

Expenses of
the Interna-
tional Office
to be shared by
contracting
states.

The expenses of the Office of the International Union shall be shared by the contracting States. Unless a fresh arrangement be made, they cannot exceed a sum of sixty thousand francs a year. This sum may be increased by the decision of one of the Conferences provided for in Article XVII.

Method of
sharing
expenses.

The share of the total expense to be paid by each country shall be determined by the division of the contracting and acceding States into six classes, each of which shall contribute in the proportion of a certain number of units, viz:

First class	25 units
Second class	20 units
Third class	15 units
Fourth class	10 units.
Fifth class	5 units
Sixth class	3 units

These coefficients will be multiplied by the number of States of each class, and the total product thus obtained will give the number of units by which the total expense is to be divided. The quotient will give the amount of the unity of expense.

Each State will declare, at the time of its accession, in which of the said classes it desires to be placed.

The Swiss Administration will prepare the budget of the Office, superintend its expenditure, make the necessary advances, and draw up the annual account, which shall be communicated to all the other Administrations.

Swiss Administration to prepare the budget of the International Office, etc.

6. The next Conference shall be held at Paris between four and six years from the date of the coming into force of the Convention.

Next Conference to be held at Paris.

The French Government will fix the date within these limits after having consulted the International Office.

7. It is agreed that, as regards the exchange of ratifications contemplated in Article XXI, each contracting party shall give a single instrument, which shall be deposited, with those of the other States, in the Government archives of the Swiss Confederation. Each party shall receive in exchange a copy of the *procès-verbal* of the exchange of ratifications, signed by the plenipotentiaries present.

Exchange of ratifications.

The present Final Protocol, which shall be ratified with the Convention concluded this day, shall be considered as forming an integral part of the said Convention, and shall have the same force, effect, and duration.

Present Protocol integral part of Convention.

ARTICLE III.

The countries of the Union which have not become parties to the present Additional Act shall be allowed to accede to it at any time, on their request to that effect. The same rule shall apply to the countries which may eventually accede to the Convention of the 9th September, 1886. It shall be sufficient for the purpose if a notification is addressed in writing to the

Accession of other countries.

Swiss Federal Council, who will, in turn, notify this accession to the other Governments.

ARTICLE IV.

Additional Act
to be ratified.

The present Additional Act shall have the same force and duration as the Convention of the 9th September, 1886.

It shall be ratified, and the ratifications shall be exchanged at Paris in the form adopted for that Convention, as soon as possible, and within a year at the latest.

It shall come into force between the countries who have ratified it three months after this exchange.

**DECLARATION INTERPRETING CERTAIN PROVISIONS OF
THE CONVENTION OF BERNE OF SEPTEMBER 9, 1886, AND
OF THE ADDITIONAL ACT, SIGNED AT PARIS, MAY 4, 1896.**

1. By the terms of paragraph 2 of Article II of the Convention, the protection granted by the aforementioned Acts depends solely on the accomplishment in the country of origin of the work of the conditions and formalities that may be prescribed by the legislation of that country. The same rule applies to the protection of the photographic works mentioned in No. 1 (b), of the modified "Protocole de Clôture."

2. By *published* works must be understood works actually issued to the public in one of the countries of the Union. Consequently, the representation of a dramatic or dramatico-musical work, the performance of a musical work, the exhibition of a work of art, do not constitute publication in the sense of the aforementioned Acts.

3. The transformation of a novel into a play, or of a play into a novel, comes under the stipulations of Article X.

The countries of the Union which are not parties to the present Declaration shall be allowed to accede thereto at any time on their request to that effect. The same rule shall apply to countries which may accede either to the Convention of the 9th September, 1886, or to this Convention or to the Additional Act of the 4th May, 1896. It will be sufficient for this purpose if a notification be addressed in writing to the Swiss Federal Council, who will, in turn, notify this accession to the other Governments.

The present Declaration shall have the same force and duration as the Acts to which it refers.

It shall be ratified, and the ratifications shall be exchanged at Paris, in the form adopted for those Acts, as soon as possible, and within a year at the latest.

**ADDITIONAL PROTOCOL TO THE INTERNATIONAL COPYRIGHT
CONVENTION OF BERLIN, NOVEMBER 13, 1908,
SIGNED AT BERNE, MARCH 20, 1914.**

French Text with English Translation Immediately Following.

Les Pays membres de l'Union internationale pour la protection des œuvres littéraires et artistiques, désirant autoriser une limitation facultative de la portée de la Convention du 13 novembre 1908, ont, d'un commun accord, arrêté le Protocol suivant:

The countries, members of the International Union for the protection of literary and artistic works, desiring to authorize an optional limitation of the extent of the Convention of November 13, 1908, have by mutual agreement adopted the following Protocol:

1. Lorsqu'un pays étranger à l'Union ne protège pas d'une manière suffisante les œuvres des auteurs ressortissant à l'un des pays de l'Union, les dispositions de la Convention du 13 novembre 1908 ne peuvent porter préjudice, en quoi que ce soit, au droit qui appartient au pays contractant de restreindre la protection des œuvres dont les auteurs sont, au moment de la première publication de ces œuvres, sujets ou citoyens dudit pays étranger et ne sont pas domiciliés effectivement dans l'un des pays de l'Union.

1. When a country not belonging to the Union does not protect in a sufficient manner the works of authors within the jurisdiction of a country of the Union, the provisions of the Convention of November 13, 1908, can not prejudice, in any way, the right which belongs to the contracting countries to restrict the protection of works by authors who are, at the time of the first publication of such works, subjects or citizens of the said country not being a member of the Union, and are not actually domiciled in one of the countries of the Union.

2. Le droit accordé aux Etats contractants par le présent Protocole appartient également à chacune de leurs Possessions d'outre-mer.

2. The right accorded to the contracting States by the present Protocol, belongs also to each of their trans-marine possessions.

3. Aucune restriction établie en vertu du n° 1 ci-dessus ne devra porter préjudice aux droits qu'un auteur aura acquis sur une œuvre publiée dans un pays de l'Union avant la mise à exécution de cette restriction.

3. No restriction established by virtue of No. 1, above, shall prejudice the rights which an author has acquired in a work published in one of the countries of the Union prior to the putting into force of this restriction.

4. Les États qui, en vertu du présent Protocole, restreindront la protection des droits des auteurs, le notifieront au Gouvernement de la Confédération Suisse par une déclaration écrite où seront indiqués les pays vis-à-vis desquels la protection est restreinte, de même que les restrictions auxquelles les droits des auteurs ressortissant à ces pays sont soumis. Le Gouvernement de la Confédération Suisse communiquera aussitôt le fait à tous les autres États de l'Union.

4. The countries which, by virtue of the present Protocol, limit the protection accorded to authors, shall notify the Government of the Swiss Confederation by a written declaration indicating the countries against which the protection is restricted, and also the restrictions to which the rights of authors belonging to these countries are subject. The Government of the Swiss Confederation will at once communicate the fact to all the other States of the Union.

5. Le présent Protocole sera ratifié, et les ratifications seront déposées à Berne dans un délai maximum de douze mois comptes à partir de sa date. Il entrera en vigueur un mois après l'expiration de ce délai, et aura même force et durée que la Convention à laquelle il se rapporte.

En foi de quoi, les Plénipotentiaires des Pays membres de l'Union ont signé le présent Protocole, dont une copie certifiée sera remise à chacun des Gouvernements unionistes.

Fait à Berne, le 20 mars 1914, en un seul exemplaire, déposé aux Archives de la Confédération Suisse.

[SIGNATURES.]

5. The present Protocol shall be ratified, and the ratifications shall be deposited at Berne within a maximum period of twelve months from its date. It shall enter into force one month after the expiration of this period and shall have the same force and duration as the Convention to which it relates.

In witness whereof the Plenipotentiaries of the countries members of the Union have signed the present Protocol, of which a certified copy shall be transmitted to each of the Governments of the Union.

Done at Berne, the 20th day of March, 1914, in a single copy, deposited in the Archives of the Swiss Confederation.

Signed by the representatives of the following eighteen countries: Belgium, Denmark, France, Germany, Great Britain, Haiti, Italy, Japan, Liberia, Luxembourg, Monaco, Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, and Tunis.

CONVENTION CREATING AN INTERNATIONAL UNION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS, SIGNED AT BERLIN, NOVEMBER 13, 1908.¹

ARTICLE 1.

Union to protect literary and artistic works.

The contracting countries are constituted into a Union for the protection of the rights of authors in their literary and artistic works.

ARTICLE 2.

Definition of "literary and artistic works."

The expression "literary and artistic works" includes all productions in the literary, scientific or artistic domain, whatever the mode or form of reproduction, such as: books, pamphlets and other writings; dramatic or dramatico-musical works; choreographic works and pantomimes, the stage directions ("*mise en scène*") of which are fixed in writing or otherwise; musical compositions with or without words; drawings, paintings; works of architecture and sculpture; engravings and lithographs; illustrations; geographical charts; plans, sketches and plastic works relating to geography, topography, architecture, or the sciences.

Translations, arrangements, and adaptations protected.

Translations, adaptations, arrangements of music and other reproductions transformed from a literary or artistic work, as well as compilations from different works, are protected as original works without prejudice to the rights of the author of the original work.

The contracting countries are pledged to secure protection in the case of the works mentioned above.

Works of art applied to industry.

Works of art applied to industry are protected so far as the domestic legislation of each country allows.

ARTICLE 3.

Photographic works to be protected.

The present Convention applies to photographic works and to works obtained by any process analogous to photog-

1—For original in French, see post.

raphy. The contracting countries are pledged to guarantee protection to such works.

ARTICLE 4.

Authors within the jurisdiction of one of the countries of the Union enjoy for their works, whether unpublished or published for the first time in one of the countries of the Union, such rights, in the countries other than the country of origin of the work, as the respective laws now accord or shall hereafter accord to natives, as well as the rights specially accorded by the present Convention.

Authors to enjoy in countries of the Union the rights granted to natives.

The enjoyment and the exercise of such rights are not 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 stipulations of the present Convention, the extent of the protection, as well as the means of redress guaranteed to the author to safeguard his rights, are regulated, exclusively according to the legislation of the country where the protection is claimed.

No formalities required.

The following is considered as the country of origin of the work: for unpublished works, the country to which the author belongs; for published works, the country of first publication, and for works published simultaneously in several countries of the Union, the country among them whose legislation grants the shortest term of protection. For works published simultaneously in a country outside of the Union and in a country within the Union, it is the latter country which is exclusively considered as the country of origin.

Definition of country of origin.

By published works ("*œuvres publiées*") must be understood, according to the present Convention, works which have been issued ("*œuvres éditées*"). 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 do not constitute publication.

Published works.

ARTICLE 5.

Authors within the jurisdiction of one of the countries of the Union who publish their works for the first time in

Authors of countries of the Union have

same rights as natives of other countries.

another country of the Union, have in this latter country the same rights as national authors.

ARTICLE 6.

Authors not belonging to countries of the Union also protected if they first publish in a Union country.

Authors not within the jurisdiction of any one of the countries of the Union, who publish for the first time their works in one of these countries, enjoy in that country the same rights as national authors, and in the other countries of the Union the rights accorded by the present Convention.

ARTICLE 7.

Term of protection: Life and 50 years.

The term of protection granted by the present Convention comprises the life of the author and fifty years after his death.

If not adopted; Laws of country to govern term.

In case this term, however, should not be adopted uniformly by all the countries of the Union, the duration of the protection shall be regulated by the law of the country where protection is claimed, and can not exceed the term granted in the country of origin of the work. The contracting countries will consequently be required to apply the provision of the preceding paragraph only to the extent to which it agrees with their domestic law.

Term for photographic, posthumous, anonymous or pseudonymous works.

For photographic works and works obtained by a process analogous to photography, for posthumous works, for anonymous or pseudonymous works, the term of protection is regulated by the law of the country where protection is claimed, but this term may not exceed the term fixed in the country of origin of the work.

ARTICLE 8.

Exclusive right of translation for entire term.

Authors of unpublished works within the jurisdiction of one of the countries of the Union, and authors of works published for the first time in one of these countries, enjoy in the other countries of the Union during the whole term of the right in the original work the exclusive right to make or to authorize the translation of their works.

ARTICLE 9.

Serial novels protected when published in newspapers or periodicals.

Serial stories ("*romans-feuilletons*"), novels and all other works, whether literary, scientific or artistic, whatever may be their subject, published in 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.

With the exception of serial stories and of novels (*“romans-feuilletons et des nouvelles”*) any newspaper article may be reproduced by another newspaper if reproduction has not been expressly forbidden. The source, however, must be indicated. The confirmation of this obligation shall be determined by the legislation of the country where protection is claimed.

Reproduction
of newspaper
articles.

The protection of the present Convention does not apply to news of the day or to miscellaneous news having the character merely of press information.

News items
not protected.

ARTICLE 10.

As concerns the right of borrowing lawfully from literary or artistic works for use in publications intended for instruction or having a scientific character, or for chrestomathies, the provisions of the legislation of the countries of the Union and of the special treaties existing or to be concluded between them shall govern.

Extracts from
literary or
artistic works
for educational
publications.

ARTICLE 11.

The stipulations of the present Convention apply to the public representation of dramatic or dramatico-musical works and to the public performance of musical works, whether these works are published or not.

Representation
of dramatic or
dramatico-
musical
works.

Authors of dramatic or dramatico-musical works are protected, during the term of their copyright in the original work, against the unauthorized public representation of a translation of their works.

Representation
of translations
of dramatic
works.

In order to enjoy the protection of this article, authors, in publishing their works, are not obliged to prohibit the public representation or public performance of them.

Notice of reser-
vation of per-
formance not
required.

ARTICLE 12.

Among the unlawful reproductions to which the present Convention applies are specially included indirect, unauthorized appropriations of a literary or artistic work, such as adaptations, arrangements of music, transformations of a romance or novel or of a poem into a theatrical piece and vice-versâ, etc., when they are only the repro-

Adaptations,
etc., considered
as infringe-
ments.

duction of such work in the same form or in another form with non-essential changes, additions or abridgements and without presenting the character of a new, original work.

ARTICLE 13.

Adaptation of musical works to mechanical instruments.

Authors of musical works have the exclusive right to authorize: (1) the adaptation of these works to instruments serving to reproduce them mechanically; (2) the public performance of the same works by means of these instruments.

Each country to regulate for itself the manner in which Convention shall apply.

The limitations and conditions relative to the application of this article shall be determined by the domestic legislation of each country in its own case; but all limitations and conditions of this nature shall have an effect strictly limited to the country which shall have adopted them.

Not retroactive.

The provisions of paragraph 1 have no retroactive effect, and therefore are not applicable in a country of the Union to works which, in that country, shall have been lawfully adapted to mechanical instruments before the going into force of the present Convention.

Importation of mechanical musical appliances prohibited.

The adaptations made by virtue of paragraphs 2 and 3 of this article and imported without the authorization of the parties interested into a country where they are not lawful, may be seized there.

ARTICLE 14.

Reproduction by cinematograph.

Authors of literary, scientific or artistic works have the exclusive right to authorize the reproduction and the public representation of their works by means of the cinematograph.

Cinematographic productions protected.

Cinematographic productions are protected as literary or artistic works when by the arrangement of the stage effects or by the combination of incidents represented, the author shall have given to the work a personal and original character.

Cinematographic copy-rightable.

Without prejudice to the rights of the author in the original work, the reproduction by the cinematograph of a literary, scientific or artistic work is protected as an original work.

The preceding provisions apply to the reproduction or

production obtained by any other process analogous to that of the cinematograph.

Also any analogous production.

ARTICLE 15.

In order that the authors of the works protected by the present Convention may be considered as such, until proof to the contrary, and admitted in consequence before the courts of the various countries of the Union to proceed against infringers, it is sufficient that the author's name be indicated upon the work in the usual manner.

Author's name indicated on work sufficient proof of authorship.

For anonymous or pseudonymous works, the publisher whose name is indicated upon the work is entitled to protect the rights of the author. He is without other proofs considered the legal representative of the anonymous or pseudonymous author.

Publisher of anonymous or pseudonymous works considered as representative of author.

ARTICLE 16.

All infringing works may be seized by the competent authorities of the country of the Union where the original work has a right to legal protection.

Seizure of pirated copies.

Seizure may also be made in these countries of reproductions which come from a country where the copyright in the work has terminated, or where the work has not been protected.

The seizure takes place in conformity with the domestic legislation of each country.

Seizure to be made according to the laws of each country.

ARTICLE 17.

The provisions of the present Convention may not prejudice in any way the right which belongs to the Government of each of the countries of the Union to permit, to supervise, or to forbid, by means of legislation or of domestic police, the circulation, the representation or the exhibition of every work or production in regard to which competent authority may have to exercise this right.

Each government to exercise supervision as to circulation, representation or exhibition of works.

ARTICLE 18.

The present Convention applies to all works which, at the time it goes into effect, have not fallen into the public domain of their country of origin because of the expiration of the term of protection.

Convention to apply to all works not in public domain at the time of its going into force.

But if a work by reason of the expiration of the term of

protection which was previously secured for it has fallen into the public domain of the country where protection is claimed, such work will not be protected anew.

Special Con-
ventions and
domestic legis-
lation may
govern.

This principle will be applied in accordance with the stipulations to that effect contained in the special Conventions either existing or to be concluded between countries of the Union, and in default of such stipulations, its application will be regulated by each country in its own case.

Provisions of
Convention to
apply to new
accessions.

The preceding provisions apply equally in the case of new accessions to the Union and where the term of protection would be extended by the application of Article 7.

ARTICLE 19.

More extensive
rights may be
granted by
domestic legis-
lation.

The provisions of the present Convention do not prevent a claim for the application of more favorable provisions which may be enacted by the legislation of a country of the Union in favor of foreigners in general.

ARTICLE 20.

More extensive
right may be
secured by
special treaties.

The governments of the countries of the Union reserve the right to make between themselves special treaties, when these treaties would confer upon authors more extended rights than those accorded by the Union, or when they contain other stipulations not conflicting with the present Convention. The provisions of existing treaties which answer the aforesaid conditions remain in force.

ARTICLE 21.

Bureau of the
International
Union.

The international office instituted under the name of "Bureau of the International Union for the Protection of Literary and Artistic Works" ("Bureau de l'Union internationale pour la protection des œuvres littéraires et artistiques") is maintained.

Under control
of Switzerland.

This Bureau is placed under the high authority of the Government of the Swiss Confederation, which controls its organization and supervises its working.

Language of
Bureau to be
French.

The official language of the Bureau is the French language.

ARTICLE 22.

Duties of In-
ternational
Bureau.

The International Bureau brings together, arranges and publishes information of every kind relating to the protec-

tion of the rights of authors in their literary and artistic works. It studies questions of mutual utility interesting to the Union, and edits, with the aid of documents placed at its disposal by the various administrations, a periodical in the French language, treating questions concerning the purpose of the Union. The governments of the countries of the Union reserve the right to authorize the Bureau by common accord to publish an edition in one or more other languages, in case experience demonstrates the need.

The International Bureau must hold itself at all times at the disposal of members of the Union to furnish them, in relation to questions concerning the protection of literary and artistic works, the special information of which they have need.

Will furnish information as to copyright.

The Director of the International Bureau makes an annual report on his administration, which is communicated to all the members of the Union.

Annual report of Director of International Bureau.

ARTICLE 23.

The expenses of the Bureau of the International Union are shared in common by the contracting countries. Until a new decision, they may not exceed sixty thousand francs per year. This sum may be increased when needful by the simple decision of one of the Conferences provided for in Article 24.

Expenses of the International Bureau to be shared by contracting states.

To determine the part of this sum total of expenses to be paid by each of the countries, the contracting countries and those which later adhere to the Union are divided into six classes each contributing in proportion to a certain number of units, to wit:

Method of sharing expenses.

1st class.....	25 units
2d class.....	20 units
3d class.....	15 units
4th class.....	10 units
5th class.....	5 units
6th class.....	3 units

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

Each country shall declare, at the time of its accession,

in which of the above-mentioned classes it desires to be placed.

Swiss Administration to prepare the budget of the International Bureau, etc.

The Swiss Administration prepares the budget of the Bureau and superintends its expenditures, makes necessary advances and draws up the annual account, which shall be communicated to all the other administrations.

ARTICLE 24.

Revisions of Convention.

The present Convention may be subjected to revision with a view to the introduction of amendments calculated to perfect the system of the Union.

To take place successively in the countries of the Union.

Questions of this nature, as well as those which from other points of view pertain to the development of the Union, are considered in the Conferences which will take place successively in the countries of the Union between the delegates of the said countries. The administration of the country where a Conference is to be held will, with the cooperation of the International Bureau, prepare the business of the same. The Director of the Bureau will attend the meetings of the Conferences and take part in the discussions without a deliberative voice.

Changes require unanimous consent.

No change in the present Convention is valid for the Union except on condition of the unanimous consent of the countries which compose it.

ARTICLE 25.

Accession of other countries.

The States outside of the Union which assure legal protection of the rights which are the object of the present Convention, may accede to it upon their request.

To be made known by Switzerland.

This accession shall be made known in writing to the Government of the Swiss Confederation and by the latter to all the others.

May substitute provisions of previous conventions.

Such accession shall imply full adhesion to all the clauses and admission to all the advantages stipulated in the present Convention. It may, however, indicate such provisions of the Convention of September 9, 1886, or of the Additional Act of May 4, 1896, as it may be judged necessary to substitute provisionally, at least, for the corresponding provisions of the present Convention.

ARTICLE 26.

The contracting countries have the right to accede at any time to the present Convention for their colonies or foreign possessions.

Accession for colonies or foreign possessions.

They may, for that purpose, either make a general declaration by which all their colonies or possessions are included in the accession, or name expressly those which are included therein, or confine themselves to indicating those which are excluded from it.

This declaration shall be made known in writing to the Government of the Swiss Confederation, and by the latter to all the others.

ARTICLE 27.

The present Convention shall replace, in the relations between the contracting States, the Convention of Berne of September 9, 1886, including the Additional Article and the Final Protocol of the same day, as well as the Additional Act and the Interpretative Declaration of May 4, 1896. The conventional acts above-mentioned shall remain in force in the relations with the States which do not ratify the present Convention.

Present Convention to replace Berne Convention and Additional Articles. But Berne Convention remains in force between countries not signatory to present Convention.

The States signatory to the present Convention may, at the time of the exchange of ratifications, declare that they intend, upon such or such point, still to remain bound by the provisions of the Conventions to which they have previously subscribed.

Signatory States may declare themselves bound by former Conventions upon certain points.

ARTICLE 28.

The present Convention shall be ratified, and the ratifications shall be exchanged at Berlin, not later than the first of July, 1910.

Convention to be ratified not later than July 1, 1910.

Each contracting party shall send, for the exchange of ratifications, a single instrument, which shall be deposited, with those of the other countries, in the archives of the Government of the Swiss Confederation. Each party shall receive in return a copy of the *procès-verbal* of the exchange of ratifications, signed by the Plenipotentiaries who shall have taken part therein.

Instrument to be filed with Swiss Government.

ARTICLE 29.

Convention to take effect three months after exchange of ratifications.

The present Convention shall be put into execution three months after the exchange of the ratifications and shall remain in force for an indefinite time, until the expiration of one year from the day when denunciation of it shall have been made.

Withdrawal from the Convention.

This denunciation shall be addressed to the Government of the Swiss Confederation. It shall be effective only as regards the country which shall have made it, the Convention remaining in force for the other countries of the Union.

ARTICLE 30.

Adoption of term of life and 50 years to be notified.

The States which introduce into their legislation the term of protection of fifty years¹ provided for by Article 7, paragraph 1, of the present Convention, shall make it known to the Government of the Swiss Confederation by a written notification which shall be communicated at once by that Government to all the other countries of the Union.

Notice shall be given of renunciation of any reservations.

It shall be the same for such States as shall renounce any reservations made by them in virtue of Articles 25, 26, and 27.

Signatures.

In testimony of which, the respective Plenipotentiaries have signed the present Convention and have attached thereto their seals.

Date of signing, November 13, 1908.

Done at Berlin, the thirteenth of November, one thousand nine hundred eight, in a single copy, which shall be deposited in the archives of the Government of the Swiss Confederation, and of which copies, properly certified, shall be sent through diplomatic channels to the contracting countries.

¹ Article 7 provides for a general term of protection for life and fifty years.

CONVENTION DE BERNE REVISÉE POUR LA PROTECTION DES ŒUVRES LITTÉRAIRES ET ARTISTIQUES DU 13 NO- VEMBRE 1908.

ARTICLE 1. Les Pays contractants sont constitués à l'état d'Union pour la protection des droits des auteurs sur leurs œuvres littéraires et artistiques.

ART. 2. L'expression "œuvres littéraires et artistiques" comprend toute production du domaine littéraire, scientifique ou artistique, quel qu'en soit le mode ou la forme de reproduction, telle que: les livres, brochures, et autres écrits; les œuvres dramatiques ou dramatico-musicales, les œuvres chorégraphiques et les pantomimes, dont la mise en scène est fixée par écrit ou autrement; les compositions musicales avec ou sans paroles; les œuvres de dessin, de peinture, d'architecture, de sculpture, de gravure et de lithographie; les illustrations, les cartes géographiques; les plans, croquis et ouvrages plastiques, relatifs à la géographie, à la topographie, à l'architecture ou aux sciences.

Sont protégés comme des ouvrages originaux, sans préjudice des droits de l'auteur de l'œuvre originale, les traductions, adaptations, arrangements de musique et autres reproductions transformées d'une œuvre littéraire ou artistique, ainsi que les recueils de différentes œuvres.

Les Pays contractant sont tenus d'assurer la protection des œuvres mentionnées ci-dessus.

Les œuvres d'art appliqué à l'industrie sont protégées autant que permet de le faire la législation intérieure de chaque pays.

ART. 3. La présente Convention s'applique aux œuvres photographiques et aux œuvres obtenues par un procédé analogue à la photographie. Les Pays contractants sont tenus d'en assurer la protection.

ART. 4. Les auteurs ressortissant à l'un des pays de l'Union jouissent, dans les pays autres que le pays d'origine de l'œuvre, pour leurs œuvres, soit non publiées, soit publiées pour la première fois dans un pays de l'Union, des droits que les lois respectives accordent actuellement ou accorderont par la suite aux nationaux, ainsi que des droits spécialement accordés par la présente Convention.

La jouissance et l'exercice de ces droits ne sont subordonnées à aucune formalité; cette jouissance et cet exercice sont indépendants de l'existence de la protection dans le pays d'origine de l'œuvre. Par suite, en dehors des stipulations de la présente Convention, l'étendue de la protection ainsi que les moyens de recours garantis à l'auteur pour sauvegarder ses droits se règlent exclusivement d'après la législation du pays où la protection est réclamée.

Est considéré comme pays d'origine de l'œuvre: pour les œuvres non publiées, celui auquel appartient l'auteur; pour les œuvres publiées, celui de la première publication, et pour les œuvres publiées simultanément dans plusieurs pays de l'Union, celui d'entre eux dont la législation accorde la durée de protection la plus courte. Pour les œuvres publiées simultanément dans un pays étranger à l'Union et dans un pays de l'Union, c'est ce dernier pays qui est exclusivement considéré comme pays d'origine.

Par œuvres publiées, il faut, dans le sens de la présente Convention, entendre les œuvres éditées. La représentation d'une œuvre dramatique ou dramatico-musicale, l'exécution d'une musicale, l'exposition d'une œuvre d'art et la construction d'une œuvre d'architecture ne constituent pas une publication.

ART. 5. Les ressortissants de l'un des pays de l'Union, qui publient pour la

première fois leurs œuvres dans un autre pays de l'Union, ont, dans ce dernier pays, les mêmes droits que les auteurs nationaux.

ART. 6. Les auteurs ne ressortissant pas à l'un des pays de l'Union, qui publient pour la première fois leurs œuvres dans l'un de ces pays, jouissent, dans ce pays, des mêmes droits que les auteurs nationaux, et dans les autres pays de l'Union, des droits accordés par la présente Convention.

ART. 7. La durée de la protection accordée par la présente Convention comprend la vie de l'auteur et cinquante ans après sa mort.

Toutefois, dans le cas où cette durée ne serait pas uniformément adoptée par tous les pays de l'Union, la durée sera réglée par la loi du pays où la protection sera réclamée et elle ne pourra excéder la durée fixée dans le pays d'origine de l'œuvre. Les Pays contractants ne seront, en conséquence, tenus d'appliquer la disposition de l'article précédent que dans la mesure où elle se concilie avec leur droit interne.

Pour les œuvres photographiques et les œuvres obtenus par un procédé analogue à la photographie, pour les œuvres posthumes, pour les œuvres anonymes ou pseudonymes, la durée de la protection est réglée par la loi du pays où la protection est réclamée, sans que cette durée puisse excéder la durée fixée dans le pays d'origine de l'œuvre.

ART. 8. Les auteurs d'œuvres non publiées, ressortissant à l'un des pays de l'Union, et les auteurs d'œuvres publiées pour la première fois dans un de ces pays jouissent, dans les autres pays de l'Union, pendant toute la durée du droit sur l'œuvre originale, du droit exclusif de faire ou d'autoriser la traduction de leurs œuvres.

ART. 9. Les romans-feuilletons, les nouvelles et toutes autres œuvres, soit littéraires, soit scientifiques, soit artistiques, quel qu'en soit l'objet, publiés dans les journaux ou recueils périodiques d'un des pays de l'Union, ne peuvent être reproduits dans les autres pays sans le consentement des auteurs.

A l'exclusion des romans-feuilletons et des nouvelles, tout article de journal peut être reproduit par un autre journal, si la reproduction n'en est pas expressément interdite. Toutefois, la source doit être indiquée; la sanction de cette obligation est déterminée par la législation du pays où la protection est réclamée.

La protection de la présente Convention ne s'applique pas aux nouvelles du jour ou aux faits divers qui ont le caractère de simples informations de presse.

ART. 10. En ce qui concerne la faculté de faire licitement des emprunts à des œuvres littéraires ou artistiques pour des publications destinées à l'enseignement ou ayant un caractère scientifique, ou pour des chrestomathies, est réservé l'effet de la législation des pays de l'Union et des arrangements particuliers existants ou à conclure entre eux.

ART. 11. Les stipulations de la présente Convention s'appliquent à la représentation publique des œuvres dramatiques ou dramatico-musicales, et à l'exécution publique des œuvres musicales, que ces œuvres soient publiées ou non.

Les auteurs d'œuvres dramatiques ou dramatico-musicales sont, pendant la durée de leur droit sur l'œuvre originale, protégés contre la représentation publique non autorisée de la traduction de leurs ouvrages.

Pour jouir de la protection du présent article, les auteurs, en publiant leurs œuvres, ne sont pas tenus d'en interdire la représentation ou l'exécution publique.

ART. 12. Sont spécialement comprises parmi les reproductions illicites auxquelles s'applique la présente Convention, les appropriations indirectes non autorisées d'un ouvrage littéraire ou artistique, telles que adaptations, arrangements de musique, transformations d'un roman, d'une nouvelle ou d'une poésie en pièce de théâtre et réciproquement, etc., lorsqu'elles ne sont que la reproduction de cet ouvrage, dans la

même forme ou sous une autre forme, avec des changements, additions ou retranchements, non essentiels, et sans présenter le caractère d'une nouvelle œuvre originale.

ART. 13. Les auteurs d'œuvres musicales ont le droit exclusif d'autoriser: 1° l'adaptation de ces œuvres à des instruments servant à les reproduire mécaniquement; 2° l'exécution publique des mêmes œuvres au moyen de ces instruments.

Des réserves et conditions relatives à l'application de cet article pourront être déterminées par la législation intérieure de chaque pays, en ce qui le concerne; mais toutes réserves et conditions de cette nature n'auront qu'un effet strictement limité au pays qui les aurait établies.

La disposition de l'alinéa 1^{er} n'a pas d'effet rétroactif et, par suite, n'est pas applicable, dans un pays de l'Union, aux œuvres qui, dans ce pays, auront été adaptées licitement aux instruments mécaniques avant la mise en vigueur de la présente Convention.

Les adaptations faites en vertu des alinéas 2 et 3 du présent article et importées, sans autorisation des parties intéressées, dans un pays où elles ne seraient pas licites, pourront y être saisies.

ART. 14. Les auteurs d'œuvres littéraires, scientifiques ou artistiques ont le droit exclusif d'autoriser la reproduction et la représentation publique de leurs œuvres par la cinématographie.

Sont protégées comme œuvres littéraires ou artistiques les productions cinématographiques lorsque, par les dispositifs de la mise en scène ou les combinaisons des incidents représentés, l'auteur aura donné à l'œuvre un caractère personnel et original.

Sans préjudice des droits de l'auteur de l'œuvre originale, la reproduction par la cinématographie d'une œuvre littéraire, scientifique ou artistique est protégée comme une œuvre originale.

Les dispositions qui précèdent s'appliquent à la reproduction ou production obtenue par tout autre procédé analogue à la cinématographie.

ART. 15. Pour que les auteurs des ouvrages protégés par la présente Convention soient, jusqu'à preuve contraire, considérés comme tels et admis, en conséquence, devant les tribunaux des divers pays de l'Union, à exercer des poursuites contre les contrefacteurs, il suffit que leur nom soit indiqué sur l'ouvrage en la manière usitée.

Pour les œuvres anonymes ou pseudonymes, l'éditeur dont le nom est indiqué sur l'ouvrage est fondé à sauvegarder les droits appartenant à l'auteur. Il est, sans auteurs preuves, réputé ayant cause de l'auteur anonyme ou pseudonyme.

ART. 16. Toute œuvre contrefaite peut être saisie par les autorités compétentes des pays de l'Union où l'œuvre originale a droit à la protection légale.

Dans ces pays, la saisie peut aussi s'appliquer aux reproductions provenant d'un pays où l'œuvre n'est pas protégée ou a cessé de l'être.

La saisie a lieu conformément à la législation intérieure de chaque pays.

ART. 17. Les dispositions de la présente Convention ne peuvent porter préjudice, en quoi que ce soit, au droit qui appartient au Gouvernement de chacun des pays de l'Union de permettre, de surveiller, d'interdire, par des mesures de législation ou de police intérieure, la circulation, la représentation, l'exposition de tout ouvrage ou production à l'égard desquels l'autorité compétente aurait à exercer ce droit.

ART. 18. La présente Convention s'applique à toutes les œuvres qui, au moment de son entrée en vigueur, ne sont pas encore tombées dans le domaine public de leur pays d'origine par l'expiration de la durée de la protection.

Cependant, si une œuvre, par l'expiration de la durée de protection qui lui était antérieurement reconnue, est tombée dans le domaine public du pays où la protection est réclamée, cette œuvre n'y sera pas protégée à nouveau.

L'application de ce principe aura lieu suivant les stipulations contenues dans les conventions spéciales existantes ou à conclure à cet effet entre pays de l'Union. A défaut de semblables stipulations, les pays respectifs régleront, chacun pour ce qui le concerne, les modalités relatives à cette application.

Les dispositions qui précèdent s'appliquent également en cas de nouvelles admissions à l'Union et dans le cas où la durée de la protection serait étendue par application de l'article 7.

ART. 19. Les dispositions de la présente Convention n'empêchent pas de revendiquer l'application de dispositions plus larges qui seraient édictées par la législation d'un pays de l'Union en faveur des étrangers en général.

ART. 20. Les Gouvernements des pays de l'Union se réservent le droit de prendre entre eux des arrangements particuliers, en tant que ces arrangements confèreraient aux auteurs des droits plus étendus que ceux accordés par l'Union, ou qu'ils renfermeraient d'autres stipulations non contraires à la présente Convention. Les dispositions des arrangements existants qui répondent aux conditions précitées restent applicables.

ART. 21. Est maintenu l'office international institué sous le nom de "Bureau de l'Union internationale pour la protection des œuvres littéraires et artistiques".

Ce Bureau est placé sous la haute autorité du Gouvernement de la Confédération Suisse, qui en règle l'organisation et en surveille le fonctionnement.

La langue officielle du Bureau est la langue française.

ART. 22. Le Bureau international centralise les renseignements de tout nature relatifs à la protection des droits des auteurs sur leurs œuvres littéraires et artistiques. Il les coordonne et les publie. Il procède aux études d'utilité commune intéressant l'Union et rédige, à l'aide des documents qui sont mis à sa disposition par les diverses Administrations, une feuille périodique, en langue française, sur les questions concernant l'objet de l'Union. Les Gouvernements des pays de l'Union se réservent d'autoriser, d'un commun accord, le Bureau à publier une édition dans une ou plusieurs autres langues, pour le cas où l'expérience en aurait démontré le besoin.

Le Bureau international doit se tenir en tout temps à la disposition des membres de l'Union pour leur fournir, sur les questions relatives à la protection des œuvres littéraires et artistiques, les renseignements spéciaux dont ils pourraient avoir besoin.

Le Directeur du Bureau international fait sur sa gestion un rapport annuel qui est communiqué à tous les membres de l'Union.

ART. 23. Les dépenses du Bureau de l'Union internationale sont supportées en commun par les Pays contractants. Jusqu'à nouvelle décision, elles ne pourront pas dépasser la somme de soixante mille francs par année. Cette somme pourra être augmentée au besoin par simple décision d'une des Conférences prévues à l'article 24.

Pour déterminer la part contributive de chacun des pays dans cette somme totale des frais, les Pays contractants et ceux qui adhéreront ultérieurement à l'Union sont divisés en six classes contribuant chacune dans la proportion d'un certain nombre d'unités, savoir:

1 ^{re} classe	.....	25 unités
2 ^{me} classe	.....	20 unités
3 ^{me} classe	.....	15 unités
4 ^{me} classe	.....	10 unités
5 ^{me} classe	.....	5 unités
6 ^{me} classe	.....	3 unités

Ces coefficients sont multipliés par le nombre des pays de chaque classe, et la somme des produits ainsi obtenus fournit le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donne le montant de l'unité de dépense.

Chaque pays déclarera, au moment de son accession, dans laquelle des susdites classes il demande à être rangé.

L'Administration Suisse prépare le budget du Bureau et en surveille les dépenses, fait les avances nécessaires et établit le compte annuel qui sera communiqué à toutes les autres Administrations.

ART. 24. La présente Convention peut être soumise à des revisions en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union.

Les questions de cette nature, ainsi que celles qui intéressant à d'autres points de vue le développement de l'Union, sont traitées dans des Conférences qui auront lieu successivement dans les pays de l'Union entre les délégués desdits pays. L'Administration du pays où doit siéger une Conférence prépare, avec le concours du Bureau international, les travaux de celle-ci. Le Directeur du Bureau assiste aux séances des Conférences et prend part aux discussions sans voix délibérative.

Aucun changement à la présente Convention n'est valable pour l'Union que moyennant l'assentiment unanime des pays qui la composent.

ART. 25. Les Etats étrangers à l'Union et qui assurent la protection légale des droits faisant l'objet de la présente Convention, peuvent y accéder sur leur demande.

Cette accession sera notifiée par écrit au Gouvernement de la Confédération Suisse, et par celui-ci à tous les autres.

Elle emportera, de plein droit, adhésion à toutes les clauses et admission à tous les avantages stipulés dans la présente Convention. Toutefois, elle pourra contenir l'indication des dispositions de la Convention du 9 septembre 1886 ou de l'Acte additionnel du 4 mai 1896 qu'ils jugeraient nécessaire de substituer, provisoirement au moins, aux dispositions correspondantes de la présente Convention.

ART. 26. Les Pays contractants ont le droit d'accéder en tout temps à la présente Convention pour leurs colonies ou possessions étrangères.

Ils peuvent, à cet effet, soit faire une déclaration générale par laquelle toutes leurs colonies ou possessions sont comprises dans l'accession, soit nommer expressément celles qui y sont comprises, soit se borner à indiquer celles qui en sont exclues.

Cette déclaration sera notifiée par écrit au Gouvernement de la Confédération Suisse, et par celui-ci à tous les autres.

ART. 27. La présente Convention remplacera, dans les rapports entre les Etats contractants, la Convention de Berne du 9 septembre 1886, y compris l'Article additionnel et le Protocole de clôture du même jour, ainsi que l'Acte additionnel et la Déclaration interprétative du 4 mai 1896. Les actes conventionnels précités resteront en vigueur dans les rapports avec les Etats qui ne ratifieraient pas la présente Convention.

Les Etats signataires de la présente Convention pourront, lors de l'échange des ratifications, déclarer qu'ils entendent, sur tel ou tel point, rester encore liés par les dispositions des Conventions auxquelles ils ont souscrit antérieurement.

ART. 28. La présente Convention sera ratifiée, et les ratifications en seront échangées à Berlin au plus tard le 1^{er} juillet 1910.

Chaque Partie contractante remettra, pour l'échange des ratifications, un seul instrument, qui sera déposé, avec ceux des autres pays, aux archives du Gouvernement de la Confédération Suisse. Chaque Partie recevra en retour un exemplaire du procès-verbal d'échange des ratifications, signé par les Plénipotentiaires qui y auront pris part.

ART. 29. La présente Convention sera mise à exécution trois mois après l'échange des ratifications et demeurera en vigueur pendant un temps indéterminé, jusqu'à l'expiration d'une année à partir du jour où la dénonciation en aura été faite.

Cette dénonciation sera adressée au Gouvernement de la Confédération Suisse. Elle ne produira son effet qu'à l'égard du pays qui l'aura faite, la Convention restant exécutoire pour les autres pays de l'Union.

ART. 30. Les États qui introduiront dans leur législation la durée de protection de cinquante ans prévue par l'article 7, alinéa 1^{er}, de la présente Convention, le feront connaître au Gouvernement de la Confédération Suisse par une notification écrite qui sera communiquée aussitôt par ce Gouvernement à tous les autres États de l'Union.

Il en sera de même pour les États qui renonceront aux réserves faites par eux en vertu des articles 25, 26 et 27.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Berlin, le 13 novembre mil neuf cent huit, en un seul exemplaire, qui sera déposé dans les archives du Gouvernement de la Confédération Suisse et dont des copies, certifiées conformes, seront remises par la voie diplomatique aux Pays contractants.

(Suivent les signatures)

ADDITIONAL PROTOCOL TO THE REVISED CONVENTION OF BERNE OF NOVEMBER 13TH, 1908.*

(Dated March 20th, 1914.)

The States which are members of the International Union for the protection of literary and artistic works, being desirous of authorising an optional limitation as to the application of the Convention of November 13th, 1908, by common agreement, have drawn up the following Protocol:

1. Whenever any country outside the Union fails to give adequate protection to the works of authors who are the subjects or citizens of one of the countries of the Union, nothing in the provisions of the Convention of November 13th, 1908, shall be deemed to prejudice, in any manner whatsoever, the right of the Contracting State to restrict the protection accorded to works the authors of which are, at the time when such works are first published, subjects or citizens of any such country outside the Union and are not actually domiciled in one of the countries of the Union.

2. The right conferred by this Protocol upon the Contracting States belongs equally to each of their possessions beyond the seas.

3. Any restriction imposed by virtue of Article 1 hereof shall be without prejudice to any rights acquired by any author over a work published (*publiée*) in any country of the Union prior to the date when such restrictions came into force.

4. The States which, acting under the provisions of this Protocol, shall restrict the protection of the rights of authors, shall notify the Government of the Swiss Confederation of this by a written declaration which

* Unofficial translation from text in "Le Droit d'Auteur," 1914, p. 45.

shall indicate the countries respecting which the protection is restricted and the nature of the restrictions to which the rights of authors who are subjects or citizens of that country are subjected. The Government of the Swiss Confederation shall forthwith communicate the fact to all other States of the Union.

5. This Protocol shall be ratified and the ratifications shall be deposited at Berne within, at most, twelve months after the date hereof. 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.

In witness whereof the Plenipotentiaries of the countries which are members of the Union have signed this Protocol, a copy of which shall be sent to each of the Unionist Governments.

Done at Berne, the 20th day of March, 1914.

CONVENTION, SIGNED AT RIO DE JANEIRO, AUGUST 23, 1906, TO PROTECT PATENTS OF INVENTION, DRAWINGS AND INDUSTRIAL MODELS, TRADE-MARKS, AND LITERARY AND ARTISTIC PROPERTY.

[*Text of Third Pan-American Treaty, from 59th Congress, 2d session, Senate document No. 365, pp. 76-83.*]

ARTICLE 1.

Patents, Trade-marks, Copy-rights.

The subscribing nations adopt in regard to patents of invention, drawings and industrial models, trade-marks, and literary and artistic property the treaties subscribed at the Second International Conference of American States, held in Mexico on the 27th of January, 1902, with such modifications as are expressed in the present Convention.

ARTICLE 2.

Union; Bureaus at Havana and Rio de Janeiro.

A union is constituted of the nations of America, which will be rendered effective by means of two Bureaus, which will be maintained, one in the city of Havana and the other in that of Rio de Janeiro, each working closely with the other, to be styled Bureaus of the International American Union for the Protection of Intellectual and Industrial Property, and will have for their object the centralization of the registration of literary and artistic works, patents, trade-marks, drawings, models, etc., which will be registered, in each one of the signatory nations, according to the respective treaties and with a view to their validity and recognition by the others.

Registration optional.

This international registration is entirely optional with persons interested, since they are free to apply, personally or through an attorney-in-fact, for registration in each one of the States in which they seek protection.

ARTICLE 3.

Bureau at Havana.

The Bureau established in the city of Havana will have charge of the registrations from the United States of Amer-

ica, the United States of Mexico, Venezuela, Cuba, Haiti, San Domingo, San Salvador, Honduras, Nicaragua, Costa Rica, Guatemala, Panama, and Colombia.

The Bureau established in the city of Rio de Janeiro will attend to the registrations coming from the republics of the United States of Brazil, Uruguay, Argentine Republic, Paraguay, Bolivia, Chile, Peru, and Ecuador.

Bureau at Rio de Janeiro.

ARTICLE 4.

For the purpose of the legal unification of the registration, the two International Bureaus, which are divided merely with a view to greater facility of communication, are considered as one, and to this end it is established that (a) both shall have the same books and the same accounts kept under an identical system; (b) copies shall be transmitted monthly from one to the other, authenticated by the Governments in whose territories they have their seat, of all the registrations, communications, and other documents affecting the recognition of the rights of proprietors or authors.

Bureaus to be considered as one.

ARTICLE 5.

Each one of the Governments adhering to the Union will send at the end of each month to the proper Bureau, according to Art. 3, authenticated copies of all registrations of trade-marks, patents, drawings, models, etc., and copies of the literary and artistic works registered in them, as well as of all lapses, renunciations, transfers, and other alterations occurring in proprietary rights, according to the respective treaties and laws, in order that they may be sent out or distributed and notice given of them as the case may be by the International Bureau to those nations in direct correspondence therewith.

Copies of registrations to be transmitted.

ARTICLE 6.

The registration or deposit of drawings, models, etc., made in the country of origin according to the national law of the same and transmitted by the respective administration to the International Bureau, shall be by such Bureau laid before the other countries of the Union, by which it shall be given full faith and credit, except in the case provided for in Art. 9 of the Treaty on Patents, Trade-

Bureaus to transmit to each country concerned certificates of registration.

Marks, etc., of Mexico, and in case the requirements essential to the recognition of international property are lacking where literary or artistic works are involved according to the treaty thereon subscribed in Mexico.

Protection to be allowed or refused within one year.

In order that the States forming the Union may accept or refuse the recognition of the rights granted in the country of origin, and for the further legal purposes of such recognition, such States shall be allowed a term of one year from the date of notification by the proper office for the purpose of so doing.

Notification in case protection is not allowed.

In case patents, trade-marks, drawings, models, etc., or the right to literary or artistic works shall fail to obtain recognition on the part of any one of the offices of the States forming the Union, the International Bureau shall be made acquainted with the facts and reasons of the case in order that in its turn these facts may be transmitted by it to the office of origin and to the interested party, for proper action according to local law.

ARTICLE 7.

Registration in country of origin to have same effect as registration in each country.

Every registration or recognition of intellectual and industrial rights made in one of the countries of the Union and communicated to the others according to the form prescribed in the preceding articles shall have the same effect that would be produced if said registration or recognition had taken place in all of them, and every nullification or lapse of rights occurring in the country of origin and communicated in the same form to the others shall produce in them the same effect that it would produce in the former.

Term of protection, that of country of origin.

The period of international protection derived from the registration shall be that recognized by the laws of the country where the rights originated or have been recognized; and if said laws do not provide for such matters or do not specify a fixed period, the respective periods shall be: for patents, 15 years; for trade-marks or commercial designs, models, and industrial drawings, 10 years; for literary and artistic works, 25 years, counting from the death of the author thereof. The first two periods may be renewed at will by giving the same form as the case of the first registration.

If no term by law, then:
Patents, 15 years; Trade-marks, 10 years; Copyright, 25 years after death of author.

ARTICLE 8.

The International Bureaus for the protection of intellectual and industrial property shall be governed by identical regulations, formed with the concurrence of the Governments of the Republics of Cuba and Brazil and approved by all the others belonging to the Union. Their budgets, after being sanctioned by the said Governments, shall be defrayed by all of the subscribing Governments in the same proportion established for the International Bureau of American Republics at Washington, and in this particular they shall be placed under the control of those Governments within whose territories they are established.

Regulations to govern Bureaus.

Expenses of Bureaus.

To the tax on rights which the country of their origin collects for registration or deposit and other acts resulting from the recognition or guaranty of intellectual and industrial property, shall be added a fee of five dollars, American gold, which fee or the equivalent thereof in the currency of the country in which the payment is made shall be distributed in equal parts among the Governments in whose territory the International Bureaus shall be established, the sole object of this being to contribute to the maintenance of the said Bureaus.

Registration fee, \$5 American gold.

ARTICLE 9.

In addition to the functions prescribed in the preceding articles, the International Bureaus shall have the following:

Functions of Bureaus:

1st. To collect information of all kinds regarding the protection of intellectual and industrial property and to publish and circulate the same among the countries of America at proper intervals;

1. To collect and publish information.

2nd. To encourage the study of questions regarding the said subjects, to which end they may publish one or more official reviews containing all documents forwarded to them by the offices of the subscribing countries;

2. May publish official reviews.

3rd. To lay before the Governments of the Union any difficulties or obstacles that may arise in the efficacious application of the present Convention, and indicate means to correct or remove such difficulties or obstacles;

3. To give notice of difficulties.

4th. To help the Governments of the Union in the preparation of international conferences for the study and progress of legislation and intellectual and industrial properties, for alterations which it may be proper to introduce in

4. To originate and prepare for international conferences.

the regulations of the Union or in the treaties in force on the said subject, and in case such conferences take place the directors of the Bureaus, not appointed to represent any countries, shall have a right to attend the meetings and express their opinions at them, but not to vote;

5. To make yearly report.

5th. To present to the Governments of the countries where they shall have their seats a yearly report of their labors, which shall be communicated to all of the States of the Union;

6. To arrange for the exchange of publications, etc.

6th. To establish relations for the exchange of publications, information and data conducive to the progress of the institution with similar bureaus and institutions, and with scientific, literary, artistic, and industrial corporations of Europe and America;

7. To act as agent for each of the Governments concerned.

7th. To cooperate as agent for each one of the Governments of the Union for the transaction of any business, the taking of any initiative, or the execution of any act conducive to further the ends of the present Convention with the offices of the other Governments.

ARTICLE 10.

Registration required to replace provisions of treaties of Jan. 27, 1902.

The provisions contained in the Treaties of Mexico of January 27th, 1902, on patents of invention, drawings and industrial models, and commercial trade-marks, and on literary and artistic property, so far as regards the formalities of the registration or recognition of said rights in other countries than that of origin, shall be considered as replaced by the provisions of the present Convention as soon as one of the International Bureaus shall have been established, and only with regard to those States which have concurred in its constitution; in all other cases the said treaties shall remain in force and the present Convention shall be considered additional thereto.

ARTICLE 11.

Cuba and Brazil to organize Copyright Bureaus.

The Governments of the Republics of Cuba and the United States of Brazil shall proceed with the organization of the International Bureaus upon the ratification of this Convention by at least two-thirds of the nations belonging to each group mentioned in Article 3. The simultaneous establishment of both Bureaus shall not be necessary; one only may be established if there be the number of

adherent Governments provided above, the Government in which the Bureau has its seat being charged with taking the proper steps to secure this result, availing itself of the powers contained in the eighth article.

In the event that one of the two offices referred to in this Convention shall have been established, the countries belonging to a group other than that to which the Bureau corresponds shall have the right to join it until the second Bureau shall be established. Upon the establishment of the second Bureau the first Bureau shall transmit to the same all the data referred to in Article 12.

Bureau first established to be used until second is organized.

ARTICLE 12.

As regards the adhesion of the American nations to the present Convention, it will be communicated to the Government of the United States of Brazil, which will lay it before the others, these communications taking the place of an exchange of notes.

Adhesions to treaty to be communicated to Brazil.

The Government of Brazil will also notify the International Bureau of this adhesion, and this Bureau will forward to the newly adhering State a complete statement of all the marks, patents, models, drawings, and literary and artistic works registered which at the time shall be under international protection.

Brazil to notify Bureau of each adhesion.

In testimony whereof the Plenipotentiaries and Delegates have signed the present Convention and affixed the seal of the Third International American Conference.

Made in the City of Rio de Janeiro twenty-third day of August, nineteen hundred and six, in English, Portuguese, and Spanish, and deposited with the Secretary of Foreign Affairs of the United States of Brazil, in order that certified copies thereof be made and sent through diplomatic channels to the signatory States.

Signed at Rio de Janeiro, Aug. 23, 1906.

CONVENTION TO PROTECT LITERARY AND ARTISTIC PROPERTY, SIGNED AT MEXICO, JANUARY 27, 1902.

[*Text of Second Pan-American Copyright Treaty, from 57th Congress, 1st session, Senate document No. 330, pp. 208-212.*]

ARTICLE 1.

Union to protect literary and artistic property.

The signatory States constitute themselves into a Union for the purpose of recognizing and protecting the rights of literary and artistic property, in conformity with the stipulations of the present Convention.

ARTICLE 2.

Definition of "Literary and artistic works."

Under the term "literary and artistic works" are comprised books, manuscripts, pamphlets of all kinds, no matter what subject they may treat of and what may be the number of their pages; dramatic or melodramatic works; choral music and musical compositions, with or without words; designs, drawings, paintings, sculpture, engravings, photographic works; astronomical and geographical globes; plans, sketches, and plastic works relating to geography or geology, topography or architecture, or any other science; and, finally, every production in the literary and artistic field which may be published by any method of impression or reproduction.

ARTICLE 3.

Definition of Copyright.

The copyright to literary or artistic work consists in the exclusive right to dispose of the same, to publish, sell, and translate the same, or to authorize its translation, and to reproduce the same in any manner, either entirely or partially.

Exclusive right of translation.

The authors belonging to one of the signatory countries, or their assigns, shall enjoy in the other signatory countries and for the time stipulated in Article 5 the exclusive right to translate their works or to authorize their translation.

ARTICLE 4.

Application for copyright and deposit of two copies.

In order to obtain the recognition of the copyright of a work, it is indispensable that the author or his assigns or legitimate representative, shall address a petition to the

official department which each Government may designate, claiming the recognition of such right, which petition must be accompanied by two copies of his work, said copies to remain in the proper department.

If the author or his assigns should desire that this copyright be recognized in any other of the signatory countries, he shall attach to his petition a number of copies of his work equal to that of the countries he may therein designate. The said department shall distribute the copies mentioned among those countries, accompanied by a copy of the respective certificate, in order that the copyright of the author may be recognized by them.

Any omissions which the said department may incur in this respect shall not give the author or his assigns any rights to present claims against the State.

ARTICLE 5.

The authors who belong to one of the signatory countries, or their assigns, shall enjoy in the other countries the rights which their respective laws at present grant, or in the future may grant, to their own citizens, but such right shall not exceed the term of protection granted in the country of its origin.

For the works composed of several volumes which are not published at the same time, as well as for bulletins or installments of publications of literary or scientific societies or of private parties, the term of property shall commence to be counted from the date of the publication of each volume, bulletin, or installment.

ARTICLE 6.

The country in which a work is first published shall be considered as the country of its origin, or, if such publication takes place simultaneously in several of the signatory countries, the one whose laws establish the shortest period of protection shall be considered as the country of its origin.

ARTICLE 7.

Lawful translations shall be protected in the same manner as original works. The translators of works in regard to which there exists no guaranteed right of property, or the right of which may have been extinguished, may secure

One additional copy to be deposited for each country.

Copies and certificates of registration to be transmitted.

Authors shall enjoy in other countries rights secured in country of origin. Term not to exceed that of country of origin.

Works in parts or in several volumes.

Country of first publication to be considered country of origin.

Translations protected.

the right of property for their translations, as established in Article 3, but they shall not prevent the publication of other translations of the same work.

ARTICLE 8.

Newspaper articles.

Newspaper articles may be reproduced, but the publication from which they are taken must be mentioned, and the name of the author given, if it should appear in the same.

ARTICLE 9.

Works bearing names of authors or pseudonyms protected.

Copyright shall be recognized in favor of the persons whose names or acknowledged pseudonyms are stated in the respective literary or artistic work or in the petition to which Article 4 of this Convention refers, excepting case of proof to the contrary.

ARTICLE 10.

Addresses.

Addresses delivered or read in deliberative assemblies, before the courts of justice, and in public meetings may be published in the newspaper press without any special authorization.

ARTICLE 11.

Fragments of literary or artistic works.

The reproduction in publications devoted to public instruction or chrestomathy of fragments of literary or artistic works confers no right of property, and may therefore be freely made in all the signatory countries.

ARTICLE 12.

Infringement defined.

All unauthorized indirect use of a literary or artistic work which does not present the character of an original work shall be considered as an unlawful reproduction.

It shall be considered in the same manner unlawful to reproduce in any form an entire work, or the greater part of the same, accompanied by notes or commentaries, under the pretext of literary criticism or of enlargement or complement of an original work.

ARTICLE 13.

Fraudulent copies to be sequestered, etc.

All fraudulent works shall be liable to sequestration in the signatory countries in which the original work may have the right of legal protection, without prejudice to the in-

demnity or punishments to which the falsifiers may be liable according to the laws of the country in which the fraud has been committed.

ARTICLE 14.

Each one of the Governments of the signatory countries shall remain at liberty to permit, exercise vigilance over, or prohibit the circulation, representation and exposition of any work or production in respect to which the competent authorities shall have power to exercise such right.

Each Govern-
ment to exer-
cise super-
vision.

ARTICLE 15.

The present Convention shall take effect between the signatory States that ratify it, three months from the day they communicate their ratification to the Mexican Government, and shall remain in force among all of them until one year from the date it is denounced by any of said States. The notification of such denouncement shall be addressed to the Mexican Government and shall only have effect in so far as regards the country which has given it.

Convention to
take effect three
months after
ratification

ARTICLE 16.

The Government of the signatory states, when approving the present Convention, shall declare whether they accept the adherence to the same by the nations which have had no representation in the Second International American Conference.

Adherence of
nations not rep-
resented at 2d
Int. Am. Con-
ference.

In testimony whereof the Plenipotentiaries and Delegates sign the present Convention and set thereto the seal of the Second International American Conference.

Made in the City of Mexico, on the twenty-seventh day of January, nineteen hundred and two, in three copies written in Spanish, English, and French, respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

Signed at Mex-
ico, Jan. 27,
1902.

TEXT OF TREATY ON PATENTS OF INVENTION,
INDUSTRIAL DRAWINGS, AND MODELS AND
TRADE-MARKS, SIGNED AT MEXICO, JANUARY
27, 1902.

(From 57th Congress, 1st session, Senate document No. 330,
pp. 220-225.)

ARTICLE 1.

Trade-marks
and patents.

The citizens of each of the signatory States shall enjoy in other nations the same advantages granted by them to their own citizens in regard to trade-marks of commerce or of manufacture, to models and industrial drawings, and to patents of invention.

Consequently they shall have the right to the same protection and to identical remedies against any attack upon their rights.

ARTICLE 2.

Domicile of for-
eigners.

For the purpose of this treaty, foreigners domiciled in any of the signatory countries, or who may have in them an industrial or commercial establishment, shall be considered the same as citizens.

ARTICLE 3.

Importation of
patents, draw-
ings, models,
and trade-
marks.

Patents of invention and those of industrial drawings and models, as well as of trade-marks of commerce or manufacture, granted in the country of their origin, may be imported to the other signatory States, for registration and publication as may be required by the laws of the respective countries, and they shall be protected in the same manner as those granted in the State itself. This provision does not remove the obligation imposed by national laws requiring the privileged articles to be manufactured in the country enacting such laws.

ARTICLE 4.

Consular
agents consid-
ered as legal
representatives.

The consular agents of the nation to which belong or wherein reside the owners of patents, drawings, models, or trade-marks shall be considered as the legal representatives of said owners for the purpose of complying with the for-

malities and conditions established, in order to present the application and secure the filing of said patents, drawings, models, or trade-marks in the country wherein it is intended to use them.

ARTICLE 5.

The country in which the grantee has his principal establishment or domicile shall be considered as the country of origin.

Country of origin.

In case he should not have any such establishment in any of the signatory countries, that State of the signatory nations of which the claimant is a citizen shall be considered as the country of origin.

ARTICLE 6.

For the purpose of preserving the right of priority of patents of invention, models or designs, and of imported trade-marks, a term of one year is granted as to the former and of six months as to the latter, to be counted from the date of their having been originally issued, for the presentation of the application of the same to the respective authority of the country into which the patent right is to be imported.

Priority of patents, etc.

ARTICLE 7.

All questions which may arise regarding the priority of an invention and regarding the adoption of a trade-mark shall be decided with due regard to the date of the application for the respective patent or trade-mark in the countries in which they have been granted.

Priority and date of application.

ARTICLE 8.

The following shall be considered as inventions: any new method of manufacturing industrial products; any mechanical or manual apparatus which may be used for the manufacture of said products; the discovery of any new industrial product; and the application of improved methods for the purpose of producing results superior to those already known. The drawings and models of manufacture are subject to the rules of inventions and discoveries in all that does not apply specially to the latter.

Definition of inventions.

The signs, emblems, or exterior names that merchants or

manufacturers may adopt or apply to their goods or products in order to distinguish them from those of other manufacturers or merchants who deal in articles of the same kind shall be considered as trade-marks of commerce or manufacture.

ARTICLE 9.

Not patentable. No patent of invention can be granted with respect to the following:

1. Inventions and discoveries which may have been published in any country, whether it be a party to this treaty or not.

2. Those that are contrary to morals or to the laws of the country in which the patents of inventions are to be granted or to be recognized.

ARTICLE 10.

Trade-marks of commerce or manufacture which are in the class provided for in Paragraph 2 of the foregoing article are likewise debarred from being granted or recognized.

ARTICLE 11.

Rights of patentees.

The ownership of a patent of invention or of a trade-mark of commerce or manufacture covers the right to enjoy the products of the invention or the use of the trade-mark and the right to assign them to others.

ARTICLE 12.

Term of patent.

The number of years of the patent right shall be that which the laws of the country in which it is desired to make them effective may establish. Such term may be limited to that established by the laws of the country in which the patent of invention was originally granted if the latter should be shorter.

ARTICLE 13.

Civil and criminal responsibilities.

The civil and criminal responsibilities which those who injure the rights of inventors incur shall be prosecuted and punished in accordance with the laws of the country in which the injury has been committed.

The falsification, adulteration, or unauthorized use of

trade-marks of commerce and manufacture shall likewise be prosecuted in accordance with the laws of the State in whose territory the infringement has been committed.

ARTICLE 14.

The declaration of nullity of a patent or trade-mark made in the country of its origin shall be communicated in an authentic form to the other signatory countries, so that they may decide in an administrative manner regarding the recognition which may be solicited for the respective patent or trade-mark granted in the foreign country, and as to what effect such declaration is to produce with regard to the patents or trade-marks previously imported into said countries.

Nullity of a patent.

ARTICLE 15.

The treaties on patents of invention and trade-marks of commerce and manufacture previously concluded by and between the countries subscribing to the present treaty shall be substituted by the present treaty from the time of its being duly perfected, as far as the relations between the signatory countries are concerned.

Previous treaties.

ARTICLE 16.

The communications which the Governments ratifying the present treaty shall address to the Government of Mexico for the purpose of making them known to the remaining contracting countries shall be considered equal to the customary exchange of ratifications. The Government of Mexico shall likewise communicate to them its ratification of this treaty if it should resolve to ratify the same.

Ratification of this treaty.

ARTICLE 17.

The exchange of copies in the form of the foregoing article having been made by two or more countries, this treaty shall take effect thenceforward for an indefinite time.

ARTICLE 18.

In case any one of the signatory powers should desire to withdraw from this treaty, it shall make its abrogation known in the manner prescribed in Article 16, and the effect of this treaty, as far as the respective nation is con-

Abrogation of the treaty.

cerned, shall cease one year from the date of the receipt of the respective communication.

ARTICLE 19.

Countries
which may ad-
here.

The countries of America that may not have signed this treaty originally may adhere to the same in the manner prescribed by Article 16.

In testimony whereof the Plenipotentiaries and Delegates sign the present treaty and affix thereto the seal of the Second International American Conference.

Signed at Mex-
ico, Jan. 27,
1902.

Made in the City of Mexico this twenty-seventh day of January, nineteen hundred and two, in three copies, written in Spanish, English, and French, respectively, which shall be deposited at the Department of Foreign Relations of the Government of the Mexican United States, so that certified copies thereof may be made, in order to send them through the diplomatic channel to the signatory States.

CONVENTION CONCERNING LITERARY AND ARTISTIC COPYRIGHT, SIGNED AT BUENOS AIRES, AUGUST 11, 1910.

ARTICLE 1.

Obligation.

The signatory States acknowledge and protect the rights of literary and artistic property in conformity with the stipulations of the present convention.

ARTICLE 2.

Definition of
"literary and
artistic work."

In the expression "literary and artistic works" are included books, writings, pamphlets of all kinds, whatever may be the subject of which they treat and whatever the number of their pages; dramatic or dramatico-musical works; choreographic and musical compositions, with or without words; drawings, paintings, sculpture, engravings; photographic works; astronomical or geographical globes; plans, sketches or plaster works relating to geography, geology or topography, architecture or any other science; and, finally, all productions that can be published by any means of impression or reproduction.

ARTICLE 3.

The acknowledgment of a copyright obtained in one state, in conformity with its laws, shall produce its effects of full right in all the other states without the necessity of complying with any other formality, provided always there shall appear in the work a statement that indicates the reservation of the property right.

Effect of
copyright.

ARTICLE 4.

The copyright of a literary or artistic work includes for its author or assigns the exclusive power of disposing of the same, of publishing, assigning, translating, or authorizing its translation and reproducing it in any form whether wholly or in part.

Privileges.

ARTICLE 5.

The author of a protected work, except in case of proof to the contrary, shall be considered the person whose name or well-known nom de plume is indicated therein; consequently suit brought by such author or his representative against counterfeiters or violators, shall be admitted by the courts of the signatory States.

In whose right
recognized.

ARTICLE 6.

The authors or their assigns, citizens or domiciled foreigners, shall enjoy in the signatory countries the rights that the respective laws accord, without those rights being allowed to exceed the term of protection granted in the country of origin.

Reciprocal
rights of
authors.

For works comprising several volumes that are not published simultaneously, as well as for bulletins, or parts, or periodical publications, the term of the copyright will commence to run, with respect to each volume, bulletin, part, or periodical publication, from the respective date of its publication.

ARTICLE 7.

The country of origin of a work will be deemed that of its first publication in America, and if it shall have appeared simultaneously in several of the signatory countries, that which fixes the shortest period of protection.

Country of
origin.

ARTICLE 8.

Loss of right
to copyright.

A work which was not originally copyrighted shall not be entitled to copyright in subsequent editions.

ARTICLE 9.

Translations.

Authorized translations shall be protected in the same manner as original works.

Translators of works concerning which no right of guaranteed property exists, or the guaranteed copyright of which may have been extinguished, may obtain for their translations the rights of property set forth in Article 3d but they shall not prevent the publication of other translations of the same work.

ARTICLE 10.

Addresses and
discourses.

Addresses or discourses delivered or read before deliberative assemblies, courts of justice, or at public meeting may be printed in the daily press without the necessity of any authorization, with due regard, however, to the provisions of the domestic legislation of each nation.

ARTICLE 11.

Newspapers.

Literary, scientific, or artistic writings, whatever may be their subjects, published in newspapers or magazines in any one of the countries of the union, shall not be reproduced in the other countries without the consent of the authors. With the exception of the works mentioned, any article in a newspaper may be reprinted by others if it has not been expressly prohibited, but in every case the source from which it is taken must be cited.

News and miscellaneous items published merely for general information do not enjoy protection under this convention.

ARTICLE 12.

Fragments of
literary works.

The reproduction of extracts from literary or artistic publications for the purpose of instruction or chrestomathy does not confer any right of property, and may, therefore, be freely made in all the signatory countries.

ARTICLE 13.

The indirect appropriation of unauthorized parts of a literary or artistic work having no original character shall be deemed an illicit reproduction, in so far as affects civil liability.

Illicit repro-
ductions.

The reproduction in any form of an entire work, or of the greater part thereof, accompanied by notes or commentaries, under the pretext of literary criticism or amplification, or supplement to the original work, shall also be considered illicit.

ARTICLE 14.

Every publication infringing a copyright may be confiscated in the signatory countries in which the original work had the right to be legally protected, without prejudice to the indemnities or penalties which the counterfeiters may have incurred according to the laws of the country in which the fraud may have been committed.

Fraudulent
works liable to
sequestration.

ARTICLE 15.

Each of the Governments of the signatory countries shall retain the right to permit, inspect, or prohibit the circulation, representation, or exhibition of works or productions, concerning which the proper authority may have to exercise that right.

Rights of
individual
governments.

ARTICLE 16.

The present convention shall become operative between the signatory States which ratify it three months after they shall have communicated their ratification to the Argentine Government, and it shall remain in force among them until a year after the date, when it may be denounced. This denunciation shall be addressed to the Argentine Government and shall be without force except with respect to the country making it.

Deposit of
ratification.

Made and signed in the city of Buenos Aires on the 11th day of August in the year 1910, in Spanish, English, Portuguese, and French, and deposited in the ministry of foreign affairs of the Argentine Republic, in order that certified copies be made for transmission to each one of the signatory nations through the appropriate diplomatic channels.

(Reprinted from Senate Documents, 62nd Congress, 3rd Sess. Vol. 10).

APPENDIX B

FORMS.

FORM OF BILL OF COMPLAINT.

UNITED STATES DISTRICT COURT.

.....DISTRICT OF.....

....., Plaintiff, —against—, Defendants.
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*To the Honorable, the Judges of the District Court of the United States, for the
..... District of*

The plaintiff, by, its attorney, complaining of the defendants, respectfully shows to this Court and alleges:

First: That at all the times hereinafter mentioned, the plaintiff was and now is a corporation duly organized and existing under and by virtue of the laws of the State of, and a resident of the District of, and now has its principal place of business at No., in the, City of, District of, and now and for some years past has been engaged in the business of publishing and selling music and musical compositions in sheet music form.

Second: That at all the times hereinafter mentioned, the defendants were and now are copartners doing business under the name of, and are residents of the, District of, and have their principal place of business at No., in the, City of

That said defendants now are and for some years past have been engaged in the business of publishing and selling music and musical compositions in sheet music form.

Third. That at all the times hereinafter mentioned, the was and now is a corporation organized and existing under and by virtue of the laws of the State of, and having its principal place of business in the, City of, and District of, and now and for some years past has been engaged in the business of producing and presenting musical comedies and other theatrical representations.

Fourth: On information and belief that heretofore and prior to the day of, 19...., the aforesaid

made and entered into agreements with one and one wherein and whereby the said employed the said and to compose and write the music and lyrics of a dramatico-musical composition or musical comedy, and the said and accepted such employment.

Fifth: On information and belief that thereafter and prior to the day of, 19...., and pursuant to the aforesaid agreements, and the said, being a citizen of the United States, composed, wrote and originated the music and lyrics of a dramatico-musical composition or musical comedy, which was given the title “.....”

Sixth: On information and belief that thereafter and prior to the day of, 19...., and pursuant to the aforesaid agreements, the said and delivered to the said and the said, became the proprietor of the music and lyrics of the said dramatico-musical composition or musical comedy, together with all right, title and interest therein and thereto and of the whole thereof. That the said music and lyrics so composed and written by the said and were the original conception and invention of the said and

Seventh: That the said dramatico-musical composition or musical comedy entitled “.....” consisted, among other things, of several complete song numbers, or lyrics set to music, each of which song numbers is in itself a complete and separate musical composition.

Eighth: That one of the said song numbers was entitled “.....” That the music thereof was composed by said and the lyrics thereof were written by, said, as above set forth.

Ninth: That heretofore and on or about the day of, 19...., the said for value received, duly sold, assigned, transferred and set over unto the plaintiff the sole and exclusive right, license, privilege and authority to publish, copyright, print, reprint, copy and vend in sheet music form the said musical composition or song entitled “.....”

Tenth: That thereafter and on or about the day of, 19...., the plaintiff, being then the sole and exclusive proprietor and owner of the said musical composition or song entitled “.....” so written and composed as aforesaid by said and, and the same having never before been printed or published in this or any foreign country, and the same being a work copyrightable under the Copyright Law of the United States, and the said being then domiciled within the United States, and the said being then a citizen of the United States, did secure copyright for the said musical composition “.....” by publishing the same and offering the same for sale to the general public with the following notice of copyright inscribed upon the first page of music of said composition “.....” That said notice of copyright was and has been affixed upon each copy of said musical composition published or offered for sale in the United States.

Eleventh: That thereafter and on or about the day of, 19...., the plaintiff duly registered its claim to copyright with the Register of Copyrights at Washington, in the District of Columbia, and did, on said day of, 19..., deposit in the Copyright Office, Washington, District of Columbia, two complete copies of the best edition of the said musical composition "....." then published, and thereupon the Register of Copyrights issued unto the plaintiff a certificate of copyright registration of the said musical composition.

That annexed hereto, marked Exhibit 1, is a copy of the said musical composition, "....."

That annexed hereto, marked Exhibit 2, is a copy of a certificate of the Register of Copyrights, Washington, District of Columbia, showing that two copies of the said musical composition were duly deposited in the Copyright Office on the day of, 19...., and that the registration for copyright was duly made upon the same day.

Twelfth: That by reason of the foregoing, the plaintiff became the sole and exclusive proprietor of the said musical composition, "....." and of the whole thereof, including the title and name as well as the manuscript and copyright thereof, and all rights to publish, print, reprint, copy and vend the same, and the plaintiff has ever since been and now is the sole and exclusive proprietor of the said musical composition and of the whole thereof, and the copyright therein and thereto and the right to publish, print, reprint, copy and vend the same.

Thirteenth: That the said musical composition or song entitled ".....,, " has acquired popularity and plaintiff is of the opinion that it will achieve a valuable reputation, and the same will become very successful and a source of great benefit and advantage to the plaintiff.

Fourteenth: That the defendants, cognizant of the popularity and character of the said musical composition "....." and with full knowledge of the rights of the plaintiff therein and thereto, and with full knowledge of the copyright thereof, did, on or about the day of, 19...., and thereafter, unlawfully cause, and still continue, and threaten to continue, to cause to be published and placed upon the market for sale in various music stores in the City of, and throughout the different cities of the United States a musical composition entitled "....." That the said musical composition so published by defendants, is taken and copied from the plaintiff's musical composition entitled "....."

That annexed hereto and marked Exhibit 3, is a copy of said composition entitled "....." as published and sold by the defendants.

Fifteenth: That the said publication by the defendants was and is without the consent or authority of the plaintiff or its predecessors in interest. That the said wrongful acts of the defendants in publishing the said composition, ".....,, " as aforesaid, are causing great injury and damage to the business and profits of the plaintiff, and if allowed to continue, will destroy the value of the plaintiff's copyright in and to the musical composition or song "....." and that if the defendants be permitted to continue such wrongful and unlawful acts, the plaintiff will be irreparably injured. That a continuance of the acts upon the part of the defendants will lead others to follow their example and weaken and gradually break down the exclusive right which plaintiff has in and to the said musical composition "....." and the right to publish, print, reprint,

copy and vend the same, and that the continuance of the acts of the defendants will damage the plaintiff to such an extent that no damages recovered by an action at law will afford it adequate relief, and the damages which may be suffered by the plaintiff are not capable of exact estimation or calculation.

Sixteenth: That the plaintiff's said musical composition "....." is of great value, in that it exceeds in value the sum of (\$....) Dollars.

Seventeenth: That the plaintiff has no adequate remedy at law.

WHEREFORE, plaintiff prays:

1. That a writ of subpoena issue out of this Honorable Court directed to the defendants, commanding them and each of them to appear and answer this bill within twenty days after service of said writ.

2. That the defendants and each of them be restrained and enjoined during the pendency of this action and perpetually thereafter from publishing, printing, reprinting, copying, vending or offering for sale, either directly or by agent, the music of the song entitled "....." or any other imitation or colorable imitation of the plaintiff's musical composition entitled "....."

3. That the defendants be compelled to account under oath for the number of copies of the said musical composition "....." published, printed, reprinted or sold by them.

4. That the defendants pay unto the plaintiff such damages as may have been sustained by the plaintiff in consequence of the defendants' said unlawful acts and doings, besides the costs and a reasonable counsel fee.

5. That the plaintiff have such other and further relief in the premises as may be just and honorable.

.....,
Attorney for Plaintiff,
Office and P. O. Address,
.....
.....
.....

[Verification]

A SECOND FORM OF COMPLAINT.

DISTRICT COURT OF THE UNITED STATES,
..... DISTRICT OF

....., Complainants,
—against—
....., Defendant.

To the Honorable, the Judges of the District Court of the United States, for the
..... District of

....., a domestic corporation, organized and existing under the laws of the State of, and citizen of the State of,
..... a citizen of the State of, and, a citizen of the State of, and, as Administrator of the Goods, Chattels and Effects, of, deceased, a citizen of the State of, bring this their Bill of Complaint against, a corporation organized and existing under and by virtue of the laws of the State of, and a citizen of the State of, and the, a corporation organized and existing under and by virtue of the laws of the State of Thereupon your complainants complain and show:

That your complainant, is a domestic corporation, organized and existing under and by virtue of the laws of the State of, and is a citizen of the State of, carrying on business in the City and State of, and within the District of, and has its office for the transaction of its business in the City of That it now is, and for some time past has been, engaged in the business of publishing, acquiring, vending and selling books, magazines, publications and literary productions, in the City of, and District of and in various other Cities and States in the United States, and elsewhere.

That your complainants,, at all the times hereinafter mentioned were and still are co-partners, doing business under the firm name and style of, and each of them was and is a citizen of the State of, having their office for the transaction of their business in the City of, in the District of That your complainants, have for many years been, and still are engaged in the business of purchasing, acquiring, licensing and producing dramatic compositions and plays upon the stage in the City of, and District of, and in various other cities of the United States and elsewhere.

That your complainant,, is, and at all the times hereinafter mentioned, was a citizen of the State of That he is the son of, the author of the book, entitled “.....” to which reference will hereafter be made, who at the time of his death was a citizen of the State of (where the said

resided at the time of his death), and a resident and inhabitant of,
 County of That said died in
 the year, at, leaving a Last Will and Testament,
 which was duly admitted to probate in the Circuit Court of the
 State of, wherein and whereby his wife,,
 was named and appointed Executrix of the said Last Will and Testament, and made
 sole legatee and devisee thereunder. That Letters Testamentary were duly issued to
, who duly qualified as such Executrix, and entered
 upon the duties of her office and performed the same and administered the trust
 imposed upon her by said Will.

That the said, died intestate on the day
 of, in the State of, leaving as her only
 heir and next of kin, your complainant, That on or about
 the day of, the said
 was duly appointed Administrator of the Goods, Chattels and Effects of the said
 deceased, by the Circuit Court of
, and is now acting as such administrator. That at the
 time of her death, the said resided in the County of,
 State of, and within the jurisdiction of the
 District Court of

That the defendant,, is a foreign corporation, organ-
 ized and existing under the laws of the State of, and a
 citizen of the State of

That heretofore, and prior to the commencement of this action, and the securing
 of the copyright and the exclusive rights, hereinafter more particularly referred to,
, the father of your complainant,,
 hereinbefore referred to, invented, originated, composed and wrote, a certain book,
 entitled “.....,” a Tale of That the said
 book and the title thereof was original with the said The
 word “.....” meaning “.....” and the two words in conjunction meaning
 “.....”

That on or about the day of, the said
, being then the author and the sole and exclusive proprie-
 tor and owner of the said book, which was then in manuscript form and unpublished,
 and had never been adapted to be performed upon the stage, or in any manner or
 in any manner or form dedicated to the public, did sell, assign, transfer and set
 over unto the firm of the said book “.....”
 and all his right in and to the same, and the title thereof, and of all other nature
 and kind, including the right to copyright the same, and the sole liberty of printing,
 reprinting, publishing, completing, copying, finishing and vending the same, and of
 dramatizing, adapting or arranging the said book, or any part thereof, for public
 performance or representation, or causing it to be dramatized, adapted or arranged,
 performed or represented by others; that at the same time the said
 delivered to the said firm of the
 manuscript of said book. That at said time the firm of
 was composed of, all citizens of the State of,
 and of the United States. That the said firm of being then
 citizens of the United States, and the owners and sole and exclusive proprietors of the
 said book, did, on or about the day of, 19....,
 publish said book with the notice of copyright affixed thereto hereinafter specified and

did deposit in the mail within the United States addressed to the Librarian of Congress, at Washington, D. C., on or about the day of, 19...., two copies of the best edition of such copyrighted book, then published which were printed from type set within the limits of the United States, and from plates made therefrom, and bound therein, together with a written claim of copyright therein, and the said in all respects complied with the provisions of the existing acts of Congress relating to copyrights. That the said gave notice of the said copyright by inserting in the several copies of every edition published, sold or publicly distributed, on the title page, or the page following, the following words or substance: "Copyright , 19...., by" That annexed hereto and marked Exhibit "A" is a certificate of the Librarian of Congress of the said filing and deposit of the title of the said book in his office; and annexed hereto and marked Exhibit "B" is a certificate of the Librarian of Congress of the deposit in his office of two printed copies of said book, that a copy of said copyrighted book is deposited with the Clerk of this Court upon the filing of this bill, and your complainants beg leave to produce the same upon the hearing or trial of this action or any motion made in the course of this suit.

For a valuable consideration the said book and the copyright thereof, and all other right, title and interest of every nature, and kind in and to the said book and the title thereof, and in and to the copyright of the said book, and of all and every right which the said firm of had or possessed in, to, or over the said book, or title thereof, and the copyright of the said book and title, and the right to dramatize the same for production on the stage, were sold, assigned, transferred and set over to your complainant, prior to

That the said book was capable of being dramatized and of dramatic representation, and that the characters depicted in the said book by the words, expression and action as told in the said book unveiled a story and made its representation on the stage practical and effective.

And your complainants further show that in, your complainants caused the said book to be dramatized and arranged for stage production, with the consent and approval of the and said, by one, who was employed for that purpose, and the manuscript of the dramatization of the said, was delivered, assigned and transferred to the said , and your complainants, being the proprietors and owners of the said dramatic composition, did on or about the day of, 19...., publish said book with the notice of copyright affixed thereto hereinafter specified and did deposit in the mail within the United States addressed to the Librarian of Congress at Washington, D. C., on or about the day of, 19...., two printed copies of the best edition of such dramatic composition then published, which said two copies were printed from type set within the limits of the United States, and from plates made therefrom and bound therein, together with a written claim of copyright therein; and the said in all respects complied with the provisions of the existing Acts of Congress relating to copyright. That the said gave notice of said copyright by inserting in the several copies of every edition of the said dramatic composition published, on the title page or the page immediately following, the following in words or substance: "Copyright

....., 19....., by” That annexed hereto and marked Exhibit “C” is a certificate of the Librarian of Congress of the filing and deposit in his office of the said title of the said dramatic composition; and annexed hereto and marked Exhibit “D” is a certificate of the Librarian of Congress of the deposit of the said two copies of said dramatic composition.

And your complainants further show that in the year, by agreement entered into between your complainants and, the said (two of your complainants) acquired and were granted on the payment of certain royalties, the sole and exclusive right and privilege of producing upon the stage, and of authorizing others to produce upon the stage, and to perform and cause to be performed the said dramatic composition under the said title, “.....” That it was made one of the conditions of the said right, license and privilege, that the said should only produce the said play under the said title “.....” by first class companies, and that the said play should be equipped and produced in a manner adequate to every requirement for the proper preservation of the atmosphere and scenic character of the story and with a carefully selected cast of players to interpret the characters of such dramatic version. That accordingly, your complainants,, did organize a first class company of players to produce the said play, and gave one of the most stupendous and expensive stage productions ever attempted. That they expended, in producing said play, upwards of One hundred thousand (\$100,000) Dollars, and the said play immediately became a great artistic and financial success. That it has been played continuously in the City of, and the in the City of having been performed for about months at the and it has been played during every theatrical season since, and is now being performed by your complainants That there has been expended, in advertising the said play, by, upwards of (\$.....) Dollars, and there has been paid to your complainants,, and the said and his Executrix and your complainant,, upwards of the sum of (\$.....) Dollars in royalties. That the said play is being produced nightly by your complainants, with great success and profit, and your complainants, and are receiving weekly large royalties from the production of the said play given by said

Your complainants further show that the defendants, and, both carry on business and have offices for the transaction of business in the, within the District of, and produce and cause to be produced upon the stage, under the title of “.....,” a substantial reproduction of the scenes, incidents and characters of the book “.....,” and of the dramatization of the said book, advertising and announcement that the said representation and stage production is adapted from’s famous book “.....” and of the play “.....,” with the scenes, characters and incidents.

That the said defendant,, has caused pictures to be taken of the various scenes and characters and incidents of the said book of entitled “.....,” which in connection with certain machines used by the defendant, permit a repre-

sentation on the stage of the said characters, scenes and incidents of the said book and dramatization of "....." which pictures are what is commonly called "moving pictures" representing the different characters in action, so as to tell the story of "....." as produced by your orators upon the stage. The representation is given upon the stage and the moving pictures show all the characters and scenes in action, as produced by your complainants and tell the story as told in the book of, and in the dramatization thereof herein referred to. That the said defendants, for a small sum, give performance and stage representations of the scenes, characters and incidents of the said book and dramatic composition, "....." advertising and announcing the fact, and have caused and licensed others to give productions of the said scenes, characters and incidents under the said title, deriving a large revenue therefrom. That most of these productions given by the said defendants, and their licensees are productions of a cheap order, in theatres and places of exhibition, charging not more than five or ten cents admission, and the said defendants and their licensees have given and threaten to continue to give, productions within the District of, and in various other cities and places, and widely advertise their intention to continue to give representations of the said play, and widely advertise their intention to license others to give similar productions. That the productions, as given by the defendants and their licensees, are not only given under the said title of "....." but are published, advertised and announced and declared to be the play "....." dramatized and adapted from the book of the said, and the production and representation as given tell the same story told in the book of the said and the said dramatization of the said book hereinbefore referred to. That the defendants, in canvassing and offering to produce and license others to produce the said stage production of ".....," represent it to be the stage production of the complainants, by means of advertisements, post cards and public announcements, adopting such and other divers means to mislead the public in believing that the productions given are of the said copyrighted play "....." That the exclusive rights to the production are in the complainants by reason of the facts hereinabove set forth.

That annexed hereto, marked Exhibit "E," is the card of the defendant,, announcing and advertising said production of "....." with one of the scenes taken from the said book of (also known as); and annexed hereto, marked Exhibit "F," is a card of the, advertising the production of the said play.

Exhibit "E" was received at the office of the defendant,, as your complainants allege on information and belief, and the scenes described on the card Exhibit "F" are of the various scenes taken from and found in the said novel of, and the said production thereof, and the said scenes, as produced, tell the story as contained in the book and play.

Your complainants further show that the said representations by defendants are given without the license, consent, authority or permission of your claimants or any of them.

Your complainants further show that they have been deriving large profits from the publication, representation and performance of the said dramatization of the said book, and that your complainants and, have been realizing and earning large royalties by reason of representation and performance of the said dramatization given by your complainants,,

and your complainants expect to realize in the future large earnings and profits by reason of the said performances and representations.

And your complainants further show that if the said defendants are permitted and allowed to give said dramatic representations of said play "....." as aforesaid, without the license, consent, authority or permission of your complainants, or to license, or cause others to produce the same, and to advertise their intention to continue to produce and license others to produce the said play, it will seriously injure your complainants in their profits and royalties, and will lessen and diminish the value of the said book "....." and of the said dramatization thereof; and that the said injury cannot be accurately ascertained and computed and that compensation therefore cannot be made by damages. That the dangerous example and course of the defendants, if permitted, notwithstanding the proper rights of your complainants will entail upon your complainants, not only a great pecuniary loss and irreparable damage, but tend to destroy the value of their property in and to the said book and play. That the value to your complainants in the said dramatization and book consists in the fact that they have the exclusive right to produce and license others to produce the play, and that they can be protected in the courts in such exclusive right, and that the Courts will enforce its orders, granted and entered, for the purpose of securing said production, and that if the defendants, or any other person, should represent the said play, or a literal simulation or colorable adaptation thereof, or otherwise use the title or a simulation thereof, your complainants would be greatly and irreparably injured in their business and rights, and suffer great loss and damage pecuniary.

In consideration thereof, and in as much as your complainants can only have relief in the premises in this Honorable Court, where matters of this nature are properly cognizable and relievable, complainants pray that defendants be required to make true, full and perfect answers to all and singular the matters hereinbefore stated and charged (but not under oath), as fully and particularly as if the same were here repeated, and that the defendants be decreed to render a full and true account to your complainants of all moneys and profits derived from, or by reason of any performance by them of ".....," either by them or any of their licensees, and that the said defendants, their agents, servants, licensees and employees, and any other person acting under their direction, control or permission, may be enjoined and restrained until a further hearing, pending the action, and thereafter perpetually, from playing, producing, exhibiting upon the stage, printing, publishing, translating, copying, adapting, advertising, or causing or licensing to be produced, represented, played, exhibited, printed, published, translated, copied, adapted or advertised, or other exercising, or assuming to exercise or cause to be exercised or assumed, any control, ownership or dominion of, in, to or over the book entitled "....." the said dramatic composition entitled "....." or any of its scenes, incidents, plots, or story, or any simulation or colorable imitation, or adaptation from the said book or dramatic composition under the title of "....." or otherwise.

And in order that your complainants may have such other relief as may be just, may it please your honors to grant unto your complainants a writ of subpoena of the United States of America, issuing out and under the seal of this Honorable Court, directed to the said defendants and, demanding them and each of them on a day therein to be named, and under a certain penalty, to be and appear in this Honorable Court, then and there to answer all and singular the premises and to stand to and perform and abide such further order,

direction or decree as may be made against them, and may it please your honors to grant unto your complainants a writ of injunction out of and under the seal of this Honorable Court, issued by one of your Honors, according to the form of the Statute in such case made and provided, and directing and restraining the said defendants, their agents, servants, licensees and employees, and all other persons acting under their direction, control or license, as hereinbefore prayed for, and for such other and further relief as to the Court may seem proper.

.....,
Solicitors for Complainants,
Office and P. O. Address,
.....
.....
.....

Of Counsel.

ANOTHER FORM OF COMPLAINT.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

....., Complainant,
—against—
....., Defendant.

To the Honorable, the Judges of the District Court of the United States for the
..... District of, sitting as a Court of Equity:

....., of the City of in the
State of, and a citizen of said State of,
brings this his bill of complaint against, of said City of
....., and an inhabitant of the District of
....., and hereinafter designated the defendant and alleges as
follows:

And thereupon your complainant shows unto your Honors:

I. That your complainant is and at all the times hereinafter mentioned, was a citizen of the United States, and is by profession an author and dramatist.

II. That the defendant is a corporation existing and duly organized under the laws of the State of having its principal office and place of business in the, in the City of, in said District of

III. That during the year, your complainant was a citizen of the United States, and the author of a certain original literary work in the form of a story entitled “.....;” and that during the times hereinafter mentioned, the was, and now is, a corporation duly organized under the laws of the State of, and during the year, was engaged in the publishing business in the City of, and was the proprietor and publisher of a certain periodical published each month at said

City of, and entitled and known as ".....," which said periodical was composed of stories, novels, poems and other literary compositions, and the periodical numbers of the same were, as your complainant is informed and believes, duly entered for and protected by copyright under the laws of the United States.

IV. That on or about the day of, 19...., the said did, for a valuable consideration to him, then paid by the said sell and assign to said the said story entitled "....."

V. That complainant's said literary work was thereafter published in print on or about the day of, 19...., under the title of "....." in and as part of the number of the said "....." for, 19...., by said at the said City of on the day of, 19.... That when so published said work had affixed to its title page notice of copyright in words and figures as follows, to wit: ".....;" and that said notice has been affixed to the title page of each and every copy of said work sold, published, or, and, publicly distributed by or under the authority of the complainant.

VI. That said number of "....." for, 19...., was a volume of about printed pages, and consisted of the said literary work entitled "....." therein published as aforesaid, and other literary compositions.

VII. And your complainant further says, upon information and belief, that said did, on the day of, 19...., and immediately after the first publication thereof, as aforesaid, deposited or caused to be deposited in the mail, addressed to the Register of Copyrights, Washington, District of Columbia, two complete copies of the best edition of said work then published together with a written claim of copyright therein, and an affidavit showing that said work was printed from plates made in the United States from type set therein and bound therein, and that the copyright in said work was thereupon duly registered by the Librarian of Congress.

VIII. That by reason of the premises the said acquired the sole liberty and exclusive right of printing, reprinting, publishing, vending, dramatizing and translating, in whole and in part, the said number of "....." for, 19...., consisting in part of complainant's said literary work entitled "....." for the term of twenty-eight years from the day of, 19....

IX. And your complainant further says that on or about the day of, 19...., by a certain agreement in writing, bearing date on the day last aforesaid, made and entered into by and between said and your complainant, said for a good and sufficient consideration, assigned to your complainant its copyright in said number of "....." for, 19...., so far as said copyright applies to, covers and protects your complainant's said literary work, forming part of said copyrighted book or periodical and entitled "....." together with all its property, title, interest and rights in, to and respecting said literary work under said copyright of "....."

for, 19...., and, also, its claims and demands against all persons who theretofore had infringed any of the rights and privileges of in and to said literary work entitled "....." under said copyright of said "....." for, 19...., a copy of which written assignment is hereto annexed and marked Exhibit No. 3 and the original is ready to be produced in court, if required.

X. And your complainant further says that the said assignment was duly recorded in the office of the Librarian of Congress at Washington, District of Columbia, on the day of, 19...., as will more fully and at large appear from a certificate of the record thereof under the signature and seal of the Librarian of Congress, appended to said assignment, a copy of which certificate is also hereto annexed and marked Exhibit 4, and the original is ready to be produced in court, if required.

XI. And your complainant further says, on information and belief, that after the day of, 19...., and before the commencement of this action, and without the consent and against the will of your complainant and of said, and in infringement of the said copyright and in violation of the rights of your complainant in his said literary work entitled ".....," the said defendant,, obtained and has caused and is now causing to be publicly performed within the United States, a dramatization of your complainant's said literary work, which was made without the consent and against the will of your complainant and of said, and is entitled ".....;" and that said unauthorized dramatization herein referred to contains the entire plot, all of the dramatic situations arranged in the same order and sequence, all of the characters and nearly all of the incidents and ideas invented, devised, composed and written by your complainant in his said literary work or story entitled ".....," copied and recomposed and arranged for representation on the stage.

XII. And your complainant further shows, upon information and belief, that the said defendant, without the consent and against the will of said and of your complainant, has, since the day of, 19...., caused to be publicly performed and represented in the City of, and at other places within the United States, and is now causing to be publicly performed and represented within the United States, the said unlawful dramatization of your complainant's said literary work or story, under the title "....." to the great profit of the defendant and to the great injury and damage of your complainant.

XIII. And your complainant further says that prior to the commencement of this suit your complainant has notified the defendant of such infringement and requested the defendant to discontinue the same but the defendant has refused to do so and, as your orator believes, will continue the same in violation of the rights of your complainant and to his great damage, unless restrained by the order and injunction of this Honorable Court.

XIV. In consideration whereof and because your complainant cannot have adequate relief except in a court of equity and in this court, wherefore complainant prays and demands that the said may answer all and singular the matters and things hereinbefore set forth and complained of, and that the said, its servants, agents, attorneys, employees, work-

men and confederates, be forthwith restrained by injunction as well perpetually as during the pendency of this suit from publicly performing or representing or causing to be publicly performed or represented said play or dramatic composition entitled "....." or any play or dramatic composition which is a dramatization of complainant's said work, or literary composition entitled "....." or of any material part thereof; and that said may be required to account to your complainant for all said public performances and representations of said play entitled "....." so caused by the defendant, as aforesaid, and to pay over to your orator all profits made by its said wrongful acts; and that your orator may have such further relief in the premises as may be equitable and as the nature of the case may require.

.....,
Complainant.

.....
Complainant's Solicitor and of Counsel.

COMPLAINT FOR INFRINGEMENT OF COPYRIGHT OBTAINED UNDER SECTION 11 OF THE ACT.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

<p>....., Complainant, —against—, Defendants.</p>	<p>In Equity, No.....</p>
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To the Honorable, the Judges of the United States District Court for the District of

....., a corporation of the State of, with its principal office at No., City of, State of, complainant, brings this, its bill of complaint against citizens of the United States and residents and inhabitants of the District of, in the State of, in which District and elsewhere the acts of infringement and wrong complained of herein have occurred.

FIRST: Heretofore and prior to the day of, 19.....,, a citizen and subject of the Kingdom of, was the original and sole author and proprietor of a certain original unpublished motion picture film or photograph, entitled ".....," in three (3) parts, depicting a motion picture drama of great artistic and literary merit, and of the copyright thereon and therein, and of each and all of the rights and privileges thereon and therein, in and for the United States of America and the territories and territorial possessions thereof in the said Kingdom of, and elsewhere.

SECOND: On information and belief that the said Kingdom of, at all the times hereinbefore and hereinafter mentioned granted and grants by a treaty, Convention, agreement and law, the benefit of copyright to citizens of the United States on substantially the same basis as its own subjects and is a party to an international agreement which provides for reciprocity in the granting of copyright to which the United States, at its pleasure, pursuant to its provisions may become a party as has been duly proclaimed by the President of the United States, by a proclamation in writing, as by said proclamation here ready in Court to be produced will fully and at large appear.

THIRD: That the said, having duly and fully complied in all respects with the Law in such cases made and provided, and said photographs or moving picture photoplay not having been reproduced in copies for sale, said, did, on or about the day of, 19...., while author and proprietor of the said photographs or moving picture photoplay aforesaid, file or cause to be filed with the Register of Copyrights at the Library of Congress, Washington, D. C., the title and description of said photographs or moving picture photoplay, together with one photographic print taken from each act or scene of the said photoplay entitled "....." Parts I, II and III thereof, which said prints were then and there entered as Class, and numbered therein; and that there was issued to under the seal of the Copyright Office, and signed by the Register of Copyrights, a Certificate of Registration thereof, as, and that thereby and therein, as aforesaid there was secured unto, its successors and assigns as provided for by law for the term of twenty-eight (28) years from the day of, 19...., the exclusive rights and privileges in and to the copyright of the said photographs or motion picture drama throughout the United States and the territories thereof, as by said Certificate of Registration here ready in Court to be produced will fully and at large appear.

FOURTH: After said registration of the copyright and before the filing of this complaint and the wrongs and infringements herein charged against the defendant,, assigned to the complainant all right, title and interest in and to the said pictures and in and to the copyright thereon, for the United States and Territories thereof.

FIFTH: The said defendants, well knowing the premises and the rights and privileges of complainant and contriving to injure and deprive him of the gains and profits which otherwise would have accrued to it from its ownership of said copyright and the exclusive rights and privileges thereunder, did, prior to the commencement of this action and after the day of, 19...., and the aforesaid assignment to complainant, within the District of, and elsewhere in the United States, wrongfully and unlawfully conspire and confederate together against complainant to and did wrongfully and unlawfully and without the license or permission of complainant or of its predecessor in title to said copyright, make or cause to be made copies of the said photographs covered thereby and possess themselves of copies of the said photographs and exhibit the same to the public for profit as moving picture films or photoplays in exact reproduction of said copyrighted photographs and did lease or

otherwise transfer to others possession of said copyrighted photographs or the piratical copies thereof for the purpose and with the intent of having them reproduced by others as moving picture films, in violation of the said copyright thereon and that the said defendants,, do now intend and threaten to continue such unlawful acts and practices, all in infringement of the exclusive rights and privileges of complainant and to its manifold wrong and injury.

SIXTH: But for the wrongful acts and conduct herein complained of, complainant would now be in exclusive enjoyment of its aforesaid rights to reproduce and exhibit said copyrighted photographs and would have enjoyed large gains and profits thereby, and by reason of such wrongful acts and conduct by and of the defendants complainant is now prevented and hindered from enjoying such gains and profits and is threatened with great and irreparable damage unless the said infringing and wrongful acts and conduct shall be restrained, enjoined and prevented by an order of this Honorable Court to this effect, not only permanently but temporarily pending this suit.

SEVENTH: That the complainant's said motion picture photoplay is of great value in that it and the copyright therein did exceed in value the sum of Two Thousand (\$2000) Dollars.

FORASMUCH as your complainant has no plain, adequate and complete relief except in this Court of Equity, complainant therefore humbly prays:

First: That there be issued out of and under the seal of this Honorable Court a subpoena and respondendum of the United States of America, directed to the said defendants, commanding them on a day certain to appear and make answer to this bill of complaint and to abide and perform such other orders and decrees herein as may be made.

Second: That the said defendants,, be required, under order of this Court to deliver upon oath, to be empounded during the pendency of this action upon such terms and conditions as this Court may prescribe, all photographs or moving picture films now in their possession or in any manner under their control embodying the photographs covered by said copyrights hereinbefore set forth, and that the said defendants may likewise be required by such order to deliver up under oath, to be empounded or held for destruction as this Court may direct, not only the photographs or films referred to but as well all plates, negatives, posters, advertisements and other instruments or means for making or exhibiting such infringing copies.

Third: That the said defendants,, and their attorneys, clerks, servants, agents and employees, be enjoined and restrained provisionally or temporarily pending this action and permanently or perpetually by decrees of this Court from directly or indirectly possessing infringing copies of said copyrighted photographs or making or causing to be made copies of the same, and from exhibiting, selling or offering for sale, leasing or offering for lease and otherwise disposing of or transferring possession of, infringing copies of said copyrighted photographs and in every other manner or way violating or infringing the rights and privileges of your complainant herein.

Fourth: That the defendants,, shall full, true, direct and perfect answer make, but not under oath, answer under oath being hereby specifically waived, according to the best of their knowledge, remembrance, information and belief, to the several matters hereinbefore averred and charged, as

fully and particularly as if the same were here repeated paragraph for paragraph and the defendants severally specifically interrogated thereto.

Fifth: That the said defendants, be compelled by a decree of this Honorable Court to account to complainant for all of such infringing photographs or moving picture films possessed by them or at any time in their possession and to account for and pay over unto complainant all of such gains and profits as have accrued to or been derived by or received by said defendants and all such gains and profits as complainant would have received but for said wrongful acts and conduct of the said defendant and all damages complainant has sustained thereby, or in lieu of actual damages and profits such damages as to this Court shall appear to be just and proper within the provisions of the Act of Congress in such cases made and provided; and

Sixth: That the defendants,, pay over to your complainant all the reasonable costs, charges and disbursements of this suit, and that your complainant may have such other and further relief as to this Court may seem meet herein and conformable to the course and principles of equity.

....., Complainant.
....., Solicitor and Counsel for Complainant.
Office and P. O. Address,
.....
.....
.....

ORDER TO SHOW CAUSE WHY TEMPORARY INJUNCTION SHOULD NOT ISSUE.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

....., Plaintiff,
—against—
....., Defendants. } In Equity No.....

Upon the subpoena, the complaint and exhibits thereto attached, and upon the annexed affidavits,

LET the defendants or their attorneys show cause before me or one of the Judges of this Court at a Stated Term thereof, to be held in the Court House in the, in the, City of, on the day of, 19...., at o'clock in thenoon or as soon thereafter as counsel can be heard, why an order should not be made enjoining the defendants, their and each of their agents, servants and employees, during the pendency of this action, from publishing, printing, reprinting, copying, vending, offering for sale or

otherwise distributing the musical composition entitled ".....," or any other imitation or colorable imitation of the plaintiff's musical composition entitled ".....," and for such other and further relief as may be just and proper.

Sufficient reason appearing therefor, LET service of a copy of this order and the papers upon which the same is granted on the defendants, on or before the day of, 19...., be sufficient service of this order and notice of this application.

Dated,, 19....,

.....,
U. S. D. J.

ORDER DIRECTING ISSUANCE WRIT OF SEIZURE.

At a Term of the United States District Court for the District of, hold at the Court House in the, on the day of

Present—The Honorable, United States District Judge Holding the Court.

....., Complainant,
vs., Defendants.
In Equity,
No.....

On reading and filing the bill of complaint herein and the affidavit of, verified the day of, 19...., and on filing by the complainant of a bond for the prompt prosecution of the above entitled action, for the return of the articles seized, to the defendants, if they or any of them are adjudged not to infringe, or if the action abates or is discontinued before they are returned to the defendants, and for the payment to the defendant of any damages which the Court may award to them against the foregoing complainant, said bond having been approved by the Court, and on motion of, Esq., of counsel for complainant, it is hereby

ORDERED that the Clerk issue a writ directed to the Marshal of the United States District Court for the District of, directing the said Marshal forthwith to seize the infringing photographs or films entitled ".....," renamed ".....," or any part thereof now at the places of business of the said defendants,, or either of them, at Nos., or elsewhere as they may be found in said District, together with all posters or advertisements used in connection with the exhibition of said infringing photographs or films, and to hold the same subject to the further order of this Court.

.....,
United States District Judge.

AFFIDAVIT FOR WRIT OF SEIZURE.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,
Complainant,
vs.
.....,
Defendants.
In Equity,
No.....

UNITED STATES OF AMERICA,
..... DISTRICT OF
STATE OF, COUNTY OF

....., being duly sworn, deposes and says:
I reside at, and am employed by the defendant
herein in the capacity of On information and belief I
state that there is one infringing copy of the photograph or motion picture drama
or film, entitled "....." at the place of business of
....., at
The reasonable value of this copy does not exceed (\$.....)
dollars. This moving picture has been re-named ".....,"
and was shown or exhibited as such at said 's
place of business on

I have been engaged in the business of dealing in motion picture films for
..... years and am familiar with the reasonable value of such films. The
source of my information and the ground of my belief as above stated are
.....
(jurāt).

UNDERTAKING FOR WRIT OF SEIZURE.

KNOW ALL MEN BY THESE PRESENTS, that we,
.....,
a corporation organized under the laws of, with its office
and usual place of business at, as Surety, and
....., of No., County and
State of, are held and firmly bound unto
....., in the sum of (\$.....)
Dollars, to be held to the said for the payment
of which well and truly to be made we bind ourselves, our successors and assigns,
firmly by these presents.
Seal with our seals and dated this
..... day of, 19....

WHEREAS,, complainant, has brought suit
against, defendants in the United States
District Court for the District of

which suit is based upon the alleged infringement of the copyrighted films or photographs entitled "....."

NOW, THEREFORE, the condition of this obligation is such that if the above bounden shall promptly prosecute this suit and shall return to the defendants all copies, films, photographs and other means of making the alleged infringing copies, if they or any of them shall be adjudged not to be infringements, or if the aforesaid action abates or is discontinued before they are returned to the defendants,, and shall pay any damages the Court may award against the complainant, not exceeding the sum of (\$.....) Dollars, then this obligation is to be void, otherwise to be and remain in full force and virtue.

....., Principal.
....., Surety.

(Add Acknowledgments.)

WRIT OF SEIZURE.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

....., Complainant,
vs.
....., Defendants.
In Equity,
No.....

THE PRESIDENT OF THE UNITED STATES OF AMERICA TO THE MARSHAL OF THE DISTRICT OF
Greeting:

WHEREAS, pursuant to the rules of practice and procedure under Section 25 of an act to amend and consolidate the acts respecting copyright, approved March 4, 1909, to take effect July 1, 1909, Chapter 320, 35 Stat., 1075, and promulgated by the Supreme Court of the United States June 1, 1909, the, the complainant herein, through, solicitor and counsel for complainant, filed herein with the Clerk of the United States District Court, for the District of, a sufficient bond and undertaking approved by the Court;

NOW, THEREFORE, you are hereby COMMANDED forthwith to seize the infringing photographs or films entitled ".....," re-named ".....," or any part thereof, now in the possession of the defendants,, or either of them, at their places of business, No., or elsewhere in said District that they may be found together with all posters, or advertisements used in connection with the exhibition of said infringing photographs or films and to hold the same subject to the further order of this Court;

AND what you have done in the premises do you make return hereof together with this writ, on the day of, at 10 o'clock in the forenoon, if the same shall be a day of jurisdiction, or otherwise on the next day of jurisdiction thereafter.

Witness, the Honorable, Judge of said Court in the District of, on the day of, and the year of the Independence of the United States.

....., Clerk.

NOTICE OF HEARING TO ASCERTAIN DAMAGES ON SEIZURE.

UNITED STATES DISTRICT COURT, DISTRICT OF

....., Complainant, —against— Defendants.

In Equity, No.....

PLEASE TO TAKE NOTICE that the above entitled cause having been decided in favor of the defendants herein, the Court will proceed to take proof as to the damages sustained by reason of the issuance of the writ of seizure in the above entitled action, and chargeable against the complainant as principal and the, as Surety thereon, by reason of the bonds executed as a condition of the issuance of said writ of seizure; and that the Court will take proofs thereon at a Term thereof to be held in Room, in the, on, at o'clock M.

The foregoing notice is served upon you by direction of Honorable, District Judge presiding.

Yours &c., Attorney for defendants, Office and P. O. Address,

TO Complainant. Surety.

NOTICE OF MOTION FOR COUNSEL FEE.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,
Complainant,
v.
.....,
Respondent.

PLEASE TO TAKE NOTICE, that upon the decision of Judge
..... herein, and all the papers and proceedings in the
above entitled cause, the undersigned will move this Court at a Term thereof for the
hearing of motions to be held in the United States District Court for the
District of, on, at
..... o'clock M. of the said day or as soon thereafter as counsel
can be heard, why an order should not be made and entered herein allowing to the
defendant herein pursuant to Section 40 of the United States Copyright Code a
reasonable counsel's fee as part of the costs, as the prevailing party, and for such
other and further relief as may be just and proper.

Dated

Yours etc.,
.....,
Attorney for defendants,
Office and P. O. Address,
.....
.....
.....

TO
.....,
Clerk.
.....,
Attorney for complainant.

INTERLOCUTORY JUDGMENT IN FAVOR OF COMPLAINANT.

At a Stated Term of the District Court of the United States for the District of held in the Building, in the Borough of, City of, on the day of, 19....

PRESENT—HON., Judge.

....., Complainant, —against— Defendant.

In Equity, No.....

This cause having come on to be heard upon the pleadings and proofs herein had on behalf of both parties, and after hearing, of Counsel for complainant, and, of Counsel for defendant, and after due proceedings had, it is, upon consideration,

ORDERED, ADJUDGED AND DECREED as follows:

1. That, above named, is the author of the certain book or literary composition in the complainant's bill mentioned and entitled "....."

2. That on or about the day of, 19...., the said sold and assigned the said book or literary composition to the and that on the day of, 19...., the duly obtained copyright for the said book or literary composition in the publication entitled "..... for, 19...., Volume, Number, and the exclusive right to dramatize said book or literary composition; and that thereafter and on or about the day of, 19...., by an instrument in writing, the said duly assigned to the said the said copyright, so far as it applies to, covers and protects the said work or literary composition entitled ".....," and, also, all the property, title, interest and rights of said in, to and respecting said literary composition under said copyright, together with all claims and demands of said against all persons who had before that day infringed any of the rights and privileges of the said in and to said book or literary composition entitled ".....," which assignment was duly recorded in the office of the Librarian of Congress on or about the day of, 19....

3. That the said defendant,, has infringed and violated the said copyright and the exclusive rights of said,

of the complainant to dramatize the said book or literary composition entitled ".....," and to give representations and public performances of such dramatization by giving and causing to be given public performances and representations for profit throughout the United States, of a certain play or dramatic composition entitled ".....," which said play or dramatic composition is an unlawful dramatization of the said book or literary composition entitled "....."

4. That the complainant recover of the defendant the gains and profits made by it by making use of said play, entitled "....." by giving public performances thereof, by causing or licensing public performances thereof, to be given or in any other way, form or manner.

5. It is hereby referred to, Counsellor at Law, of the City of, as Special Master, to ascertain and report the amount of such gains and profits, and that complainant on such accounting have the right to cause an examination of the officers of the *ore tenus* or otherwise, and also the production of the books, vouchers and documents of the defendant, and that said defendant attend for such purposes before said Master from time to time as said Master shall direct.

6. That a writ of injunction be issued out of and under the seal of this Court perpetually restraining and enjoining the said defendant, its agents, employees, servants, workmen or others acting by or under its authority from publicly performing or representing or causing or licensing to be publicly performed or represented said play or dramatic composition entitled ".....," or any other play or dramatic composition which is a dramatization of complainant's said work or literary composition entitled ".....," or of any material part thereof, and from in these ways or in any other way, form or manner whatever infringing the said copyright and the exclusive right of the complainant thereunder to dramatize said work.

7. That complainant also recover of the defendant,, his costs and disbursements of this suit, to be taxed by the Clerk of this Court.

8. Jurisdiction of this suit is retained for the purpose of making any further orders, necessary to carry into effect this decree and to determine the amount to be awarded to the complainant, and any further order necessary or proper to be made to effect a final adjustment and settlement of this controversy between complainant and defendant.

9. The defendant, however, is not enjoined from publishing and using the title "....." to a play not containing the theme or plot of the copyrighted story, nor is the defendant enjoined from using the auxiliary stage business, characters and incidents now used by it and which are not a part of the copyrighted story in conjunction with another or different theme or plot than that which is the subject of this controversy.

U. S. J.

FINAL DECREE IN FAVOR OF DEFENDANT.

At a Trial Term of the United States District Court, for the
..... District of,
held in and for the said District, in the.....,
in the, on the
day of

PRESENT—HON.,
District Judge.

.....,
Complainant,
vs.
.....,
Defendants,

In Equity,
No.....

The complainant in the above entitled cause having filed its bill of complaint on
the day of, and a writ of subpoena
having duly issued thereon and been returned personally served, and a writ of seizure
having also issued upon the said bill of complaint and writ of subpoena on the said
date, commanding the seizure of a certain motion picture film known as “.....
.....;” and the said writ of subpoena having been duly returned
personally served, and the said writ of seizure having also been duly returned, from
which return it appeared that the said motion picture film “.....”
was seized by the Marshal of this District on or about the said date, and at all times
thereafter has been and still is in his possession and control pursuant to the said
writ; and the defendants having duly filed their answer to the said bill of complaint,
and afterwards and at the, Term of this Court the said
cause having duly come on to be heard before Honorable,
District Judge, and the proofs of the parties having been heard and submitted, and
an opinion having been duly rendered on the day of.....
directing that the said bill of complaint be dismissed with costs; and defendants
having thereupon moved upon the affidavit of, duly verified
....., for the allowance of a reasonable counsel fee to the
prevailing party, and upon due notice to the surety upon
complainant’s bond, to assess the damages caused by said seizure, and the proofs
and arguments of the parties as to said matters having been duly heard and sub-
mitted on, and

NOW, upon motion of, Esq., solicitor for the
defendants, it is

ORDERED, ADJUDGED AND DECREED that the said bill of complaint be
dismissed upon the merits, and that the said defendants have judgment against the
complainant and its said surety, the, for the damages
assessed against said bond by reason of said seizure in the sum of
..... (\$.....) dollars with interest thereon from;
and also against complainants for their costs to be taxed wherein shall be included
a counsel fee of (\$.....) dollars; and it
is further

ORDERED, ADJUDGED AND DECREED, that the writ of seizure of the said motion picture film, "....." be and the same hereby is vacated, and the Marshal is hereby directed to deliver the same to the Solicitor of the defendants herein and that complainant has ten days' stay of all proceedings.

Enter

.....,
U. S. D. J.

FINAL DECREE IN FAVOR OF COMPLAINANT.

At a Stated Term of the District Court of the United States of America, for the District of, held in the United States Court House at, in the, on the day of, 19....

PRESENT—HON.,
District Judge.

.....,
Complainants,
—against—
.....,
Defendant.

This cause came on to be heard at this Term, upon the Bill of Complaint, the plea for the defendant, the replication of the complainants and the agreed statement of facts, and the defendant having consented that if the plea be overruled, it waives its right to answer the bill of complaint, and the cause having been argued by counsel;

Now, therefore, upon consideration of the said Bill and the pleas thereto of the defendant, the replication of the complainants and the said agreed statement of facts, it is, by the Court

Ordered, adjudged and decreed as follows, to wit:

That the statement of facts as stipulated by counsel for the complainants and defendant be and they hereby are, made the findings of fact of this Court; and it is further

Ordered, adjudged and decreed, that the plea of the defendant, be and it is hereby in all respects overruled, and it is further

Ordered, adjudged and decreed, that as the said defendant has duly waived its right to answer the said bill of complaint, that the said its agents, servants, licensees, employces, and any other person acting under its direction, control or permission, be and they hereby are perpetually enjoined and restrained from in any manner or by any means producing, playing, exhibiting, printing, publishing, translating, copying, advertising or causing or licensing to be produced, represented, copied, adapted, or advertised, or otherwise exercising or assuming to exercise or assume any control, ownership or dominion of, in, to or over the book entitled ".....," ".....," or the dramatic composition entitled ".....," or any of its characters,

scenes, incidents, plot or story, or any simulated or colorable imitation or adaptation from the said book, or dramatic composition of ".....," or otherwise; and it is further

Ordered, adjudged and decreed, that the complainants herein recover of the defendant, the costs and disbursements of this action to be taxed by the Clerk of this Court.

.....,
U. S. C. J.

Approved as to form,

.....,
Solicitors for Defendant

ASSIGNMENT WITH RESERVATION OF LICENSE BY THE ASSIGNOR.

In consideration of the sum of one dollar in hand paid to, a corporation organized under the laws of the State of, by, of the City of, hereby assigns to said its copyright in a certain book, entitled "....." for, 19...., entered by said Company for copyright on the day of, 19...., so far as said copyright applies to, covers and protects a certain literary composition, forming part of said copyrighted book, and entitled "....." and of which said literary composition the said is the author and said also assigns to said, all its property, title, interest and rights in to and respecting the said literary composition under said copyright of said book and, also, its claims and demands against all persons who have heretofore infringed any of the rights and privileges of in and to said literary composition, entitled "....." under said copyright of said book.

Said hereby licenses said company to print, publish and vend copies of the said literary composition, entitled "....." during the term of said copyright, but upon the express condition that said company shall, at the time of such publication, give full copyright notice, as required by the laws of Congress.

In witness whereof, has hereunto caused its corporate seal to be affixed, and the name to be signed by its proper officer thereunto duly authorized, and the said has hereunto set his hand and seal the day of, 19....

.....,
By.....,
.....

.....[SEAL]

NOTICE OF MOTION TO VACATE WRIT OF SEIZURE.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,
Complainant,
—against—
.....,
Defendant.

In Equity.
No.

Upon the bill of complaint and affidavit and all the papers and proceedings had herein, and the affidavit of, duly verified

LET the complainant show cause before the Judge of this Court holding a term thereof for the hearing of motions in the Court Room of said Court in the, in the Borough of, City of, on the day of, 19...., at o'clock of the said day, or as soon thereafter as counsel can be heard, why an order should not be made and entered herein vacating and setting aside the writ of seizure herein granted and setting aside the seizure hereinbefore made by the Marshal of this District, pursuant to said order on the ground that the said seizure is contrary to law, and on the other grounds set forth in the said affidavit, and appearing from the said papers and for such other and further relief as may be just and proper.

Due and sufficient cause appearing therefor,

LET service of this order and the affidavit upon which it is based upon the Solicitor for the complainant on or before the day of, 19...., at o'clock, be deemed sufficient, and

LET service of any answering affidavits on the part of the complainant be made upon the solicitor for the defendant on or before the day of, 19...., at o'clock.
Dated, 19....

.....,
U. S. D. J.

NOTICE OF JUSTIFICATION OF SURETIES.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,
Complainant,
—against—
.....,
Defendant.

In Equity.
No.

To, Esq.,
Solicitor for the defendant.

Sir:

Please take notice that on, at A. M. or as soon thereafter as counsel may be heard, I shall attend at Court in the above entitled cause and be prepared to justify the sureties of complainant's bond should such justification be deemed necessary by the Court.

Respectfully,

.....,
Solicitor and of counsel for complainant.

Dated, 19....

STIPULATION AS TO ENTRY OF FINAL DECREE.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,
Complainant,
—against—
.....,
Defendant

It is hereby stipulated that this cause is submitted to Hon., District Judge for final decision upon the bill of complaint, answer, the stipulation of facts, dated, and the affidavits submitted on the motion for a temporary injunction, and that a final decree may be entered upon the decision herein.

Dated, 19....

.....,
Solicitor for Complainant,
.....,
Solicitor for Defendant.

PETITION AND ORDER ALLOWING APPEAL.

<p>....., —against— </p>	<p>Complainant, Defendant</p>
---	---

To the Honorable Judges of the United States Circuit Court of Appeals for the Circuit:

....., the complainant above named conceiving himself aggrieved by the decree of this Court made and entered in the above entitled action and filed in the office of the Clerk of this Court on, hereby appeals to the United States Circuit Court of Appeals for the Circuit and states that his reasons for said appeal are specified in the assignment of errors filed herewith and therefore prays that this appeal may be allowed and a citation granted directed to the above named defendant, commanding it to appear before said Circuit Court of Appeals and to do and receive what may appertain to justice to be done in the premises and that a transcript of the record and of the proceedings and papers upon which said decree was made, after due authentication, may be sent to the United States Circuit Court of Appeals for the Circuit.

Dated, 19....

.....,
Solicitor for Complainant,
Appellant.

Office and P. O. Address,

.....
.....
.....

It is ordered that said appeal be allowed as prayed for, this day of, 19....

.....,
United States District Judge.

ASSIGNMENT OF ERRORS.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,
Complainant,
—against—
.....,
Defendant.

Now comes the above named complainant,, by its solicitor,, and says that in the records and proceedings of this honorable court in the above entitled cause, and in the decree filed and entered herein on the day of, 19...., dismissing the bill of complaint and awarding damages and counsel fee to the defendants, together with the costs, there is manifest error, and for error the said complainant assigns the following, upon its appeal from the said decree, to wit:

(Specify grounds of error in separate paragraphs.)

WHEREAS, and for divers others errors in the record of this cause appearing, complainant-appellant prays that the decree aforesaid may be reversed, and that a decree be directed to be entered sustaining the bill of complaint with costs to the complainant, and vacating and setting aside the decree of, 19....
Dated, 19....

.....,
Solicitor for Complainant-appellant.

ANOTHER FORM OF ASSIGNMENT OF ERRORS.

UNITED STATES DISTRICT COURT,
..... DISTRICT OF

.....,	Complainant,
—against—	
.....,	Defendant.

Now comes the above named defendant by its solicitor, and says, that in the records and proceedings of this honorable court in the above entitled cause and in the judgment filed and entered herein on the day of, 19...., awarding judgment in favor of the complainant and directing that a final injunction issue herein, and awarded damages to the complainant, together with costs, there is manifest error and for error the said defendant assigns the following, upon its appeal from said judgment, to wit:

(Specify grounds of error in separate paragraphs.)

WHEREAS, and for diverse other errors in the record of this cause appearing, defendant-appellant prays that the judgment aforesaid may be reversed and that a judgment be directed to be entered dismissing the bill of complaint with costs to date, and vacating and setting aside the judgment.

Dated, 19....

.....,
Solicitor for Complainant-appellant.

ORDER FOR PRINTING EVIDENCE IN QUESTION AND ANSWER FORM.

At a Stated Term of the United States District Court for the
..... District of, held in
the Court Rooms thereof, in the City of,
on the day of, 19....

PRESENT—HON.,
U. S. District Judge.

.....,
Complainant,
—against—
.....,
Defendant.

In Equity,
No.....

On the annexed consents and on motion of, Esq.,
solicitor for complainant-appellant, it is,

ORDERED, that the provisions of Equity Rule 75 be, and the same hereby are
waived and that the transcript of the record on appeal may be printed in the form
of question and answer.

.....,
U. S. District Judge.

We hereby consent to the entry of the foregoing order.
Dated, 19....

.....,
Solicitor for Complainant,
.....,
Solicitor for Defendant.

STIPULATION AS TO EXHIBITS.

.....,
Complainant,
—against—
.....,
Defendant.

It is hereby stipulated that three copies of each of the photographs annexed to
the bill of complaint herein be submitted to the Court on the argument of this appeal,
and that the same need not be included with the printed papers.

Dated, 19....

.....,
Solicitor for Complainant,
.....,
Solicitor for Defendant.

So ordered.

.....,
U. S. C. J.

STIPULATION AS TO RECORD AND EXHIBITS.

.....,	Complainant,
—against—	
.....,	Defendant.

It is hereby stipulated by the solicitors for the respective parties hereto that the record for the appeal in the above entitled action from the judgment of the District Court of the United States for the District of entered in the office of the Clerk of said Court on the day of shall consist of the following papers:

It is further stipulated that the printing of the bond on said appeal is hereby waived.

It is further stipulated that the printing of Exhibit X and Y is hereby waived and that the said exhibits be submitted to the Honorable Judges of the United States Circuit Court of Appeals upon the argument of this appeal.

Dated, 19....

.....,
Solicitor for Complainant,
.....,
Solicitor for Defendant.

STIPULATION OF RECORD.

.....,	Complainant,
—against—	
.....,	Defendant.

It is hereby stipulated and agreed that the foregoing is a true and correct transcript of the record and proceedings had herein and may be certified by the Clerk of the Court and filed in the office of the Clerk of the Circuit Court of Appeals.

Dated, 19....

.....,
Solicitor for Complainant,
.....,
Solicitor for Defendant.

COMPLAINT, IN ACTION AT COMMON LAW, FOR UNFAIR USE OF TITLE.

<p>.....,</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">.....</p> <p>.....,</p> <p style="text-align: center;">.....</p>	<p style="font-size: 3em;">}</p>	
--	----------------------------------	--

The plaintiffs above named by their attorney, complaining of the defendant allege:

1st. That for several years prior to the commencement of this action the plaintiffs were, continued to be, and still are, owners of the play known as, and entitled “.....” and owners of said title.

2nd. That about five years prior to the commencement of this action the plaintiff, being the owner thereof, produced a new and original theatrical play under a new and original title and trade name “.....;” that he was the first person to own or present a play under said title and trade name and originated the same and the said title and trade name was and continued to be the property of said plaintiff

3rd. That thereafter and commencing on or about the, day of, 19...., the said plaintiff presented said play under said title in a great number of theatres throughout the United States, and thereafter he continued so to present the same together with his co-plaintiffs and co-owners, the plaintiffs, and the plaintiffs are still engaged in the presentation of said play throughout the United States under said title and trade name “.....,” and are the owners thereof.

4th. That the plaintiffs have spent exceeding Thousand (\$.....) Dollars, in the presentation and production of said play under said title and in the extensive advertisement of said play throughout the United States, having expended large sums of money in advertising said play under said title in the newspapers throughout the United States and for expensive lithographs and other advertising matter distributed throughout the country, all for the purpose of bringing prominently before, and making familiar and well known to the public the said title and trade name “.....”

5th. That the said expenditures and the said advertising did make said title and trade name “.....” familiar and well known to the public and the said play was and is successful and highly profitable and said play and title and trade name is a highly successful and profitable theatrical property and said play has always been known and identified by the said trade name “.....” and is so widely known throughout this State, the United States, Canada and England.

6th. By reason of said extensive advertisement of said title “.....” under which the said play has always been advertised and presented by plaintiffs, it became well known to all people engaged in the theatrical business, and in all branches thereof, and to the defendant, and was so known to this defendant prior to the commencement of this action at the time when he appropriated said title.

7th. That plaintiffs have not given any right to said play or said title or trade name or any license therefor, or to the use thereof, to the defendant or to the Company, hereinafter referred to, and said defendant and said Company had and have no right whatever thereto or to the use thereof.

8th. That after plaintiffs had so extensively advertised and established said title and prior to the commencement of this action, the said Company presented a play to which, without right or license and in violation of plaintiff's rights, they gave the name ".....," and thereupon proceeded to reproduce the said play by motion pictures.

9th. That the defendant shortly prior to the commencement of this action has advertised and offered for sale and public production the said play so produced by said Company, and moving picture reproductions thereof made by it as aforesaid and is continuing so to offer and advertise the same for sale, license and production.

10th. That heretofore and on or about the day of , 19...., the defendant did actually cause to be presented at the Theatre in , a play by motion pictures under the title "....." and advertised the same by large posters containing the said title "....." in letters several inches in height.

11th. That the defendant threatens to continue to cause the said play to be presented under said title "....." and refuses to refrain from causing the presentation thereof under said title and refuses to discontinue the use of said title, although notified and warned by plaintiffs to discontinue the use thereof.

12th. That prior to the commencement of this action, and immediately upon learning of the appropriation of plaintiffs' said title and trade name for the said play by the defendant, plaintiffs caused to be sent to the defendant a notice of the plaintiffs' sole and exclusive ownership of said title.

13th. That the plaintiffs are continuing to cause their said play to be presented throughout the United States and Canada in theatres under said title and trade name, and said title, and trade name continue to be extremely valuable as the title of the play.

14th. That the acts of the defendant aforesaid, are all for the purposes of appropriating the benefits of the extensive advertising made by the plaintiffs during the past five (5) years, and the large sums of money spent by them for that purpose as well as appropriating to himself the benefit of the successful production made by plaintiffs and wrongfully to derive for himself the profits which rightfully belong to the plaintiffs in their sole and exclusive right to said play and said trade name "....." and the defendant has done this with full knowledge of the rights of the plaintiff and is deceiving and misleading and intends to deceive and mislead the theatre-going public and the said acts of the defendant have been done and the defendant threatens to continue the same for the purpose of defrauding the plaintiffs out of their exclusive right in said play, said title and said trade name, and the profits to be derived therefrom.

15th. That the defendant has not acquired and does not own any right to produce any play under said title or trade name or to announce the same under such or any similar title or to use the said trade name, "....."

16th. That the defendant has not secured the consent of the plaintiffs or either of them to the use of said title ".....," or any other title simulating the title and trade name of the plaintiffs; and the said defendant has done the acts herein complained of with full knowledge of the facts aforesaid, and without the consent of the plaintiffs and in violation of their rights.

17th. That the value of the plaintiffs' said play, consists of the said fact that they have the exclusive right to its presentation and can be protected by the Courts in said exclusive right and ownership and in their sole right to use said title ".....," in connection with any play; and in their sole right to the said trade mark ".....," and large sums of money have been expended by plaintiffs not only in acquiring said play, but in the advertisement of said title and trade name, and if said defendant or any other person is permitted to use said name or title or any simulation or colorable imitation thereof, plaintiffs will be greatly and irreparably injured in their business and profits and will suffer great loss and immeasurable pecuniary damage. It will tend to destroy the value of their play. It is calculated by the defendant to injure plaintiffs in their said rights and interest and greatly diminish and deprive them of their profits which they are entitled to receive by representation of the said play and the exclusive use of said title and trade name. That the proceeds of the plaintiffs' play are derived from giving productions thereof in theatres throughout this State, the United States and Canada, to which admission fees are charged and the acts of the defendant are all done with the deliberate purpose and intent to mislead the theatre-going public into the belief that the defendant's play is the same as the plaintiffs', thereupon securing the benefit of the patronage which would otherwise be directed to the plaintiffs' play and with the deliberate intent and purpose thus to obtain large profits to the great injury and damage of the plaintiffs. That the use of said name by defendant does mislead and deceive the public into believing the defendant's play to be the plaintiffs' play and will continue so to do and will induce them to attend the defendant's play believing it to be the play of the plaintiffs, thereby enabling the defendant unlawfully and fraudulently to obtain large profits to the great injury of the plaintiffs.

18th. The plaintiffs have demanded of the defendant that he stop the use of said name or any simulation thereof, and the defendant has failed and refused so to do.

19th. That plaintiffs are without any appropriate or adequate remedy or relief at law with respect to the premises and that no compensation for damages in any proceeding at law can be arrived at or ascertained if defendant is permitted to continue to produce and present the said play under the said title or to use the said title "....." or any simulation of the plaintiffs' said title and trade name, and such use is calculated to and will necessarily injure the plaintiffs in their exclusive right and the only assurance and protection of the plaintiffs against such irreparable loss and injury with regard to the premises is and will be the intervention of this Honorable Court by way of and in the nature of an injunction to restrain the said defendant, his agents, officers and servants from so doing as in justice and equity plaintiffs declare and believe and allege the defendant should be restrained.

WHEREFORE, plaintiffs demand judgment against the defendant restraining and enjoining him, his servants, agents, employees, directors, attorneys and representatives from using the name or title ".....," or any simulation or imitation thereof as the title or part of a title of any play or motion picture reproduction of any play or photo drama or in connection with any thereof or in any

advertisement thereof or any colorable imitation, adaptation, simulation or modification of said title, and that the defendant account to the plaintiffs for all moneys realized by him from any public performances of any play under said title ".....
,," or any motion picture reproduction of any play under said title, or any colorable imitation, simulation, or adaptation of said title or titles; and third, that the plaintiffs have such other, further or different relief as may seem just and equitable, together with the costs in this action.

.....,
 Attorney for Plaintiffs,
 Office and P. O. Address,

COMPLAINT, IN ACTION AT COMMON LAW, FOR INFRINGEMENT OF UNPUBLISHED PLAY.

.....,

The plaintiff, complaining of the defendant, alleges:

I. That he is an actor by profession, having been engaged in that business more than forty (40) years, and that he is the owner of a certain dramatic composition known as ".....," which said dramatic composition was originally composed and written in the English language by

II. That the defendant, is a corporation duly organized under the laws of the State of, and is engaged amongst other things, in the business of renting and distributing films for motion pictures and among other motion picture films that it has and is distributing is the motion picture film entitled "....."

III. That in the year, the said, author of the said play aforesaid was employed by one as a leading actor and director of the Theatre in, and while said was so employed by the said, the said assisted by the said at the request of and for a consideration paid by the said to him, adapted and arranged for said, the said drama "....." from a novel by entitled ".....," for dramatic production, upon the stage, and the said play was thereafter produced in the Theatre, in, and in other theatres, with great success. That the said adaptation became known as the "..... Version" of ".....," and was the sole property of the said

IV. Upon information and belief plaintiff alleges that the said, never published the said adaptation, nor were any copies of the same sold or offered for sale, nor was the said adaptation ever copyrighted under the laws of the United States, or of any other country, nor was the same ever dedicated to the public, but the said adaptation remained in manuscript form.

V. That thereafter and on or about the day of, the said, sold, assigned, transferred and set over to onethe said manuscript of the said dramatic composition "....." and delivered the said manuscript to said, and the said then became the sole and exclusive owner of the same and of the right to produce and to license others to produce the same.

VI. That the said never published said manuscript nor sold nor offered copies of the same for sale, and did not in any way dedicate the same to the public or make any form of dedication; neither was the said adaptation ever copyrighted under the laws of the United States or of any other country, and the said play remained in manuscript form.

VII. That thereafter and on or about the day of, the said duly transferred, assigned and set over to the plaintiff the manuscript of the said play "....." and all his right, title and interest in the same and delivered the said manuscript to plaintiff and plaintiff then became and still is the sole and exclusive owner of the said play "....." and of the right to produce the same and to license others to produce the same.

VIII. That plaintiff never published the said play nor sold nor offered for sale copies of the same nor did he in any manner dedicate the same to the public, nor did he copyright the said play under the laws of the United States or of any other country; that the said play never became public property, and has always been kept in manuscript form.

IX. That the said play "....." has been produced almost continuously since it was first written by the said, and the plaintiff has played the part of, which is the principal role in the said play, almost continuously since the year, and has appeared in the said role of, in the said play for more than thousand times, and the said play has always been a great artistic and financial success and is of great value.

X. That the defendant has distributed and caused to be produced upon the stage pictures which are commonly called motion pictures, representing the different characters in action so as to tell the story of said play "....." as produced by plaintiff upon the stage. The representation is given upon a stage and the moving picture shows all the characters, scenes and incidents as they are produced by the plaintiff and tells the story as told by the play owned by the plaintiff as aforesaid. That defendant, for moneys had and received by it, distributes films among the proprietors of moving picture houses to enable them to give performances and stage representations of the scenes, characters and incidents of said play, advertising and announcing or causing the advertisement and announcement of the fact aforesaid and deriving a large revenue from such productions. That most of said productions given by persons to whom the defendant distributes and rents the said

films and who are licensed by the defendant to give motion picture productions from the said films are of a cheap order and in theatres and places of exhibition charging not more than from five cents to twenty-five cents admission, and the defendant has distributed and is threatening to continue to distribute films of the said play among the owners of moving picture houses throughout the country and especially throughout the City, County and State of New York, where motion picture exhibition of said plays are given and has widely advertised or caused the advertisements to be issued, of its intentions to give representations of said play or that others will give them, from its films.

XI. That the said pictures so distributed by the defendant were made, as plaintiff is informed and verily believes, by the Company; that the plaintiff never gave the said Company any right, license, permit or authority to manufacture the said pictures nor has the plaintiff ever given any right, license, consent, authority or permission to the defendant to distribute the said motion pictures amongst the proprietors of moving picture houses.

XII. That motion picture performances of the said play ".....," were given from said motion picture films made by the said Company, and distributed by the defendant at the Theatre in the City of on the day of, 19...., at the Theatre in the City of New York on the day of, 19...., and at other theatres in the City of New York and the characters, scenes and incidents in said motion picture performances are identical with the characters, scenes and incidents in the said play owned by the plaintiff, as aforesaid.

XIII. That the value of the said manuscript "....." owned by the plaintiff, and the value of the exclusive right to give performances thereof so owned and possessed by the plaintiff consists not only in the right to give dramatic performances of the same and to license others to give dramatic performances of said play, but also in the right to give exhibitions of the said dramatic composition in motion picture performances for exhibition in motion picture theatres and the plaintiff has contracted with the Motion Picture Company, manufacturers of motion picture films, for the giving of exhibitions of the said "..... version" of the said play under the title of "....." in motion picture theatres.

XIV. That plaintiff has engaged a Company of actors and actresses who, in costume and with the aid of scenery have given performances of the said play "....." before a high speed camera and positive films have been prepared by the said Motion Picture Company under their aforesaid contract with the plaintiff, and the plaintiff intends to cause to be given exhibitions of his said play "....." in motion picture theatres with the aid of said positive film and performances so given by him and his Company as aforesaid, are to be advertised and announced under the said title of "....."

XV. That any infringement or encroachment upon or violation of the said exclusive right of the plaintiff to exhibit and perform the said play "....." in motion picture theatres will cause the plaintiff irreparable loss and injury which cannot be estimated or fixed in any action at law, nor can the damages be accurately ascertained and determined and the exhibition of the said play of the plaintiff in

motion picture theatres without his authority or consent will irreparably injure the plaintiff in his right to produce and represent the said play upon the stage because if the play is performed in motion picture theatres by persons without any right or authority from the plaintiff it tends to destroy the exclusive right which he possesses to represent and perform in the said play.

XVI. That the only assurance and protection of the plaintiff from such irreparable loss and injury with regard to the premises is the intervention of this Court by way of injunction to restrain the defendant from in any manner distributing amongst the proprietors of moving picture theatres motion picture films representing or purporting to represent the characters, scenes and incidents of his said play "....."

WHEREFORE, the plaintiff demands judgment:

1st. That the defendant be enjoined from producing, exhibiting or causing to be produced or exhibited and from distributing for production and exhibition on the stage or in any theatre or place of amusement any motion picture films containing in whole or in part any of the scenes, incidents, plot or story or any simulation or colorable imitation or adaptation to or of the plaintiff's play, dramatization or dramatic composition "....." under the title ".....," or under any title whatsoever.

2nd. That the defendant render a full and true account to the plaintiff of all moneys and profits derived by it from or by reason of any performance given by it or by any other person of the said play or dramatic composition "....." and for damages, and for such other and further relief as to the Court may seem just, together with the costs and disbursements of this action.

.....

EXCERPTS AS TO RELIEF, SUITABLE TO BE INSERTED IN JUDGMENT FOR PLAINTIFF, IN ACTION IN CONNECTION WITH COMMON LAW COPYRIGHT.

It is,

ORDERED, ADJUDGED AND DECREED that the defendant, its licensees, agents, servants and employees and all persons acting by, through or under it, be and they hereby are perpetually enjoined and restrained from producing, exhibiting or causing to be produced or exhibited by means of motion pictures or by the aid of motion picture films, in whole or in part, any of the scenes or incidents of the plaintiff's play, dramatization or dramatic composition, known as the "..... Version" of "....." or any colorable imitation or adaptation thereof and from distributing, using or giving away any motion picture films containing any of the said scenes or incidents; and it is further

ORDERED, ADJUDGED AND DECREED that the defendant render a full and true account and pay to the plaintiff all profits received by it from the use of the said film or any of the films of the said photoplay "....." from license fees, compensation received from renting or loaning said film or films, for exhibition purposes or otherwise, and from all other sources in connection with

the use and exhibition of the said photoplay ".....," and it is further

ORDERED, ADJUDGED AND DECREED that, Esq., counsellor at law, be and he hereby is appointed sole Referee to take and stage the said account, and that the defendant produce before the said Referee all its books, papers in its possession or under its control, showing the revenue derived and sums of money received by it from any source, from or through the said photoplay "....." and all its dealings and transactions therewith and that the defendant's officers attend before the said Referee and submit to an examination respecting such moneys and profits received and realized by the defendant from and through the use of the said photoplay and its dealings and transactions therewith; and it is further

ORDERED, ADJUDGED AND DECREED that the plaintiff, have judgment against the defendant for the amount which may be found to be due to him on the said accounting, and it is further

ORDERED that the defendant deliver up to the Clerk of this Court for destruction by him, each and every copy of the said film, which it may have in its possession or under its control, and which infringes the rights of the plaintiff as determined by this decree, and it is further

ORDERED, ADJUDGED AND DECREED that final judgment be entered accordingly in favor of the plaintiff and against the defendant together with the costs of this action. Either party may apply for such other, further order and direction to be added at the foot hereof, as may be proper or necessary.

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