

No. 4757

**AUSTRALIA, AUSTRIA, BELGIUM,
BRAZIL, CANADA, etc.**

Berne Convention for the Protection of Literary and Artistic Works signed on 9 September 1886, completed at Paris on 4 May 1896, revised at Berlin, on 13 November 1908, completed at Berne on 20 March 1914, revised at Rome on 2 June 1928, and revised at Brussels on 26 June 1948

Official texts : English and French.

Registered by the United Kingdom of Great Britain and Northern Ireland on 15 June 1959.

**AUSTRALIE, AUTRICHE, BELGIQUE,
BRÉSIL, CANADA, etc.**

Convention de Berne pour la protection des œuvres littéraires et artistiques signée le 9 septembre 1886, complétée à Paris le 4 mai 1896, révisée à Berlin le 13 novembre 1908, complétée à Berne le 20 mars 1914, révisée à Rome, le 2 juin 1928 et révisée à Bruxelles le 26 juin 1948

Textes officiels anglais et français.

Enregistré par le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord le 15 juin 1959.

No. 4757. BERNE CONVENTION FOR THE PROTECTION OF LITERARY AND ARTISTIC WORKS SIGNED ON 9 SEPTEMBER 1886,¹ COMPLETED AT PARIS ON 4 MAY 1896,² REVISED AT BERLIN ON 13 NOVEMBER 1908,³ COMPLETED AT BERNE ON 20 MARCH 1914,⁴ REVISED AT ROME ON 2 JUNE 1928,⁵ AND REVISED AT BRUSSELS ON 26 JUNE 1948⁶

Australia, Austria, Belgium, Brazil, Canada, Czechoslovakia, Denmark, Finland, France, Greece, Hungary, Iceland, India, Ireland, Italy, Lebanon, Liechtenstein, Luxembourg, Monaco, Morocco, New Zealand, the Netherlands, Norway, Pakistan, Poland, Portugal, Spain, Sweden, Switzerland, Syria, Tunis, the Union of South Africa, the United Kingdom of Great Britain and Northern Ireland, Vatican City and Yugoslavia,

Being equally animated by the desire to protect in as effective and uniform a manner as possible the rights of authors over their literary and artistic works,

Have resolved to revise and to complete the Act signed at Berne on the 9th September 1886,¹ completed at Paris on the 4th May 1896,² revised at Berlin on the 13th November 1908,³ completed at Berne on the 20th March 1914⁴ and revised at Rome on the 2nd June 1928.⁵

¹ De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XII, p. 173.

² De Martens, *Nouveau Recueil général de Traités*, deuxième série, tome XXIV, p. 758.

³ League of Nations, *Treaty Series*, Vol. I, p. 217; Vol. III, p. 259; Vol. XI, p. 359; Vol. XXIV, p. 139; Vol. XLV, p. 95; Vol. LIX, p. 342; Vol. LXIII, p. 375; Vol. LXIX, p. 64; Vol. LXXVIII, p. 434; Vol. LXXXIII, p. 372; Vol. C, p. 150; Vol. CVII, p. 456; Vol. CXVII, p. 43; Vol. CXLVII, p. 312; Vol. CLVI, p. 172, and Vol. CCIV, p. 438.

⁴ League of Nations, *Treaty Series*, Vol. I, p. 243; Vol. III, p. 259; Vol. XI, p. 359; Vol. XXIV, p. 139; Vol. XLV, p. 95; Vol. LIX, p. 342; Vol. LXIII, p. 375; Vol. LXIX, p. 69; Vol. LXXXIII, p. 372; Vol. XCVI, p. 180; Vol. C, p. 153; Vol. CVII, p. 459, and Vol. CXVII, p. 46.

⁵ League of Nations, *Treaty Series*, Vol. CXXIII, p. 233; Vol. CXXX, p. 469; Vol. CXXXIV, p. 432; Vol. CXXXVIII, p. 453; Vol. CXLII, p. 377; Vol. CLII, p. 303; Vol. CLVI, p. 238, and Vol. CLX, p. 384.

⁶ Came into force on 1 August 1951, in accordance with article 28 (2). Following is the list of ratifications, accessions and extensions:

RATIFICATIONS

	<i>Date of deposit</i>		<i>Date of deposit</i>
Belgium	20 June 1951	Monaco	27 June 1951
France	14 March 1951	Portugal	1 July 1951
Greece	1 November 1956	Spain	30 June 1951
Holy See	20 June 1951	Union of South Africa .	29 March 1950
Liechtenstein	10 October 1950	Yugoslavia	28 June 1951
Luxembourg	8 April 1950		

(Footnote 6 continued on p. 221)

Consequently, the undersigned Plenipotentiaries, having presented their full powers, recognised as in good and due form, have agreed as follows :

Article 1

The countries to which this Convention applies constitute a Union for the protection of the rights of authors over their literary and artistic works.

Article 2

(1) The term "literary and artistic works" shall include every production in the literary, scientific and artistic domain, whatever may be the mode or form of its expression, such as books, pamphlets and other writings ; lectures, addresses, sermons and other works of the same nature ; dramatic or dramatico-musical works ; choreographic works and entertainments in dumb show, the acting form of which is fixed in writing or otherwise ; musical compositions with or without words ; cinematographic works and works produced by a process analogous to cinematography ; works of drawing, painting, architecture, sculpture, engraving and lithography ; photographic works and works produced by a process analogous to photography ; works of applied art ; illustrations, geographical charts, plans, sketches and plastic works relative to geography, topography, architecture or science.

(2) Translations, adaptations, arrangements of music and other alterations of a literary or artistic work shall be protected as original works without prejudice to the rights of the author of the original work. It shall, however, be a matter for

(Continued from p. 219)

ACCESSIONS

<i>Effective date</i>			<i>Effective date</i>		
Austria	14 October	1953	Switzerland	2 January	1956
Brazil	9 June	1952	Turkey	1 January	1952
Israel	24 March	1950	United Kingdom of		
Italy	12 July	1953	Great Britain and		
Philippines	1 August	1951	Northern Ireland . .	15 December	1957

EXTENSIONS

<i>Effective date</i>			<i>Effective date</i>		
Belgian Congo and			dependencies, French		
Ruanda-Urundi . . .	14 February	1952	settlements in Ocea-		
Tunisia	22 May	1952	nia, French Somali-		
Morocco			land, St. Pierre and		
French West-Africa,			Miquelon, French Ca-		
French Equatorial			meroons, French To-		
Africa, Madagascar			goland, New Hebrides		
and dependencies, Co-			Condominium	22 May	1952
morero Archipelago,			All Portuguese overseas		
New Caledonia and			territories	3 August	1956

legislation in the countries of the Union to determine the protection to be granted to translations of official texts of a legislative, administrative and legal nature.

(3) Collections of literary or artistic works such as encyclopædias and anthologies which by reason of the selection and arrangement of their contents constitute intellectual creations shall be protected as such without prejudice to the rights of the authors in respect of each of the works forming part of such collections.

(4) The works mentioned in this Article shall enjoy protection in all countries of the Union. This protection shall operate for the benefit of the author and his legal representatives and assignees.

(5) It shall be a matter for legislation in the countries of the Union to determine the extent of the application of their laws to works of applied art and industrial designs and models, as well as the conditions under which such works, designs and models shall be protected. Works protected in the country of origin solely as designs and models shall be entitled in other countries of the Union only to such protection as shall be accorded to designs and models in such countries.

Article 2 bis

(1) It shall be a matter for legislation in the countries of the Union to exclude wholly or in part from the protection afforded by the preceding Article political speeches and speeches delivered in the course of legal proceedings.

(2) It shall also be a matter for legislation in the countries of the Union to determine the conditions under which lectures, addresses, sermons and other works of the same nature may be reproduced by the press.

(3) Nevertheless, the author alone shall have the right of making a collection of his works mentioned in the above paragraphs.

Article 3

(omitted)

Article 4

(1) Authors who are nationals of any of the countries of the Union shall enjoy in countries other than the country of origin of the work, for their works, whether unpublished or first published in a country of the Union, the rights which their respective laws do now or may hereafter grant to their nationals, as well as the rights specially granted by this Convention.

(2) The enjoyment and the exercise of these rights shall not be subject to any formality; such enjoyment and such exercise shall be independent of the existence of protection in the country of origin of the work. Consequently, apart from the provisions of this Convention, the extent of protection, as well as the means of redress afforded to the author to protect his rights, shall be governed exclusively by the laws of the country where protection is claimed.

(3) The country of origin shall be considered to be, in the case of published works, the country of first publication, even in the case of works published simultaneously in several countries of the Union which grant the same term of protection ; in the case of works published simultaneously in several countries of the Union which grant different terms of protection, the country of which the legislation grants the shortest term of protection. In the case of works published simultaneously in a country outside the Union and in a country of the Union, the latter country shall be considered exclusively as the country of origin. A work shall be considered as having been published simultaneously in several countries which has been published in two or more countries within thirty days of its first publication.

(4) For the purposes of Articles 4, 5 and 6, "published works" shall be understood to be works copies of which have been issued and made available in sufficient quantities to the public, whatever may be the means of manufacture of the copies. The presentation of a dramatic, dramatico-musical or cinematographic work, the performance of a musical work, the public recitation of a literary work, the transmission or the radio-diffusion of literary or artistic works, the exhibition of a work of art and the construction of a work of architecture shall not constitute publication.

(5) The country of origin shall be considered to be, in the case of unpublished works, the country to which the author belongs. However, in the case of works of architecture, or of graphic and plastic works forming part of a building, the country of the Union where these works have been built or incorporated in a building shall be considered as the country of origin.

Article 5

Authors who are nationals of one of the countries of the Union, and who first publish their works in another country of the Union, shall have in the latter country the same rights as native authors.

Article 6

(1) Authors who are not nationals of one of the countries of the Union, and who first publish their works in one of those countries, shall enjoy in that country the same rights as native authors, and in the other countries of the Union the rights granted by this Convention.

(2) Nevertheless, where any country outside the Union fails to protect in an adequate manner the works of authors who are nationals of one of the countries of the Union, the latter country may restrict the protection given to the works of authors who are, at the date of the first publication thereof, nationals of the other country and are not effectively domiciled on one of the countries of the Union. If the country of first publication avails itself of this right, the other countries of the Union shall not be required to grant to works thus subjected to special treatment a wider protection than that granted to them in the country of first publication.