

LITERARY AND ARTISTIC COPYRIGHT (INTER-AMERICAN)

Convention signed at México January 27, 1902

Senate advice and consent to ratification January 31, 1908

Ratified by the President of the United States March 16, 1908

Ratification of the United States deposited at México March 31, 1908

Proclaimed by the President of the United States April 9, 1908

Entered into force February 22, 1903; for the United States June 30, 1908

Provisions of 1902 convention were expressly adopted by the convention of August 23, 1906,¹ which also included supplementary provisions that did not become operative; 1902 convention was replaced either explicitly or in practical effect by provisions of (1) general treaties of peace and amity of December 20, 1907,² and February 7, 1923,³ (2) convention of August 11, 1910,⁴ as revised, and (3) convention of June 22, 1946,⁵ in relations between contracting parties to the later conventions and treaties in each instance; convention of September 6, 1952,⁶ states that its provisions shall prevail over provisions of existing conventions which differ from them, in relations between contracting parties to 1952 convention

35 Stat. 1934; Treaty Series 491

CONVENTION ON LITERARY AND ARTISTIC COPYRIGHTS

Their Excellencies the Presidents of the Argentine Republic, Bolivia, Colombia, Costa Rica, Chili, the Dominican Republic, Ecuador, El Salvador, the United States of America, Guatemala, Haiti, Honduras, the Mexican United States, Nicaragua, Paraguay, Peru and Uruguay,

¹ Ex. I, 59th Cong., 2d sess. The United States did not become a party.

² 1907 For. Rel. 692; *British and Foreign State Papers*, vol. 100, p. 835. The United States did not become a party.

³ *Conference on Central American Affairs, Washington, December 4, 1922-February 7, 1923* (U.S. Government Printing Office, 1923), p. 287; *British and Foreign State Papers*, vol. 130, p. 517. The United States did not become a party.

⁴ TS 593, *post*, p. 758.

⁵ S. Ex. HH, 80th Cong., 1st sess. The United States did not become a party.

⁶ 6 UST 2731; TIAS 3324.

Desiring that their respective countries should be represented at the Second International American Conference, sent thereto duly authorized to approve the recommendations, resolutions, conventions and treaties that they might deem convenient for the interests of America, the following Delegates:

For the Argentine Republic.—His Excellency Antonio Bermejo, His Excellency Martín García Mérou, His Excellency Lorenzo Anadón.

For Bolivia.—His Excellency Fernando E. Guachalla.

For Colombia.—His Excellency Carlos Martínez Silva, His Excellency General Rafael Reyes.

For Costa Rica.—His Excellency Joaquín Bernardo Calvo.

For Chili.—His Excellency Alberto Blest Gana, His Excellency Emilio Bello Codecido, His Excellency Joaquín Walker Martínez, His Excellency Augusto Matte.

For the Dominican Republic.—His Excellency Federico Henríquez y Carvajal, His Excellency Luis Felipe Carbo, His Excellency Quintín Gutiérrez.

For Ecuador.—His Excellency Luis Felipe Carbo.

For El Salvador.—His Excellency Francisco A. Reyes, His Excellency Baltasar Estupinian.

For the United States of America.—His Excellency Henry G. Davis, His Excellency William I. Buchanan, His Excellency Charles M. Pepper, His Excellency Volney W. Foster, His Excellency John Barrett.

For Guatemala.—His Excellency Antonio Lazo Arriaga, His Excellency Colonel Francisco Orla.

For Haiti.—His Excellency J. N. Léger.

For Honduras.—His Excellency José Leonard, His Excellency Fausto Dávila.

For Mexico.—His Excellency Genaro Raigosa, His Excellency Joaquin D. Casasus, His Excellency José López-Portillo y Rojas, His Excellency Emilio Pardo, Jr., His Excellency Pablo Macedo, His Excellency Alfredo Chavero, His Excellency Francisco L. de la Barra, His Excellency Manuel Sánchez Marmol, His Excellency Rosendo Pineda.

For Nicaragua.—His Excellency Luis F. Corea, His Excellency Fausto Dávila.

For Paraguay.—His Excellency Cecilio Baez.

For Peru.—His Excellency Isaac Alzamora, His Excellency Alberto Elmore, His Excellency Manuel Alvarez Calderon.

For Uruguay.—His Excellency Juan Cuestas;

Who, after having communicated to each other their respective full powers and found them to be in due and proper form, excepting those presented by the representatives of Their Excellencies the Presidents of the United States of America, Nicaragua and Paraguay, who act "ad referendum," have agreed to celebrate a Convention on literary and artistic copyrights, in the following terms:

ART. 1ST. 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.

ART. 2ND. Under the term "Literary and Artistic works," are comprised books, manuscripts, pamphlets of all kinds, no matter on what subjects 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.

ART. 3RD. 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.

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 art. 5th., the exclusive right to translate their works, or to authorize their translation.

ART. 4TH. 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 his 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 in 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.

ART. 5TH. The authors who belong to one of the signatory countries, of 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 instalments of publications of literary or scientific societies, or of private parties, the term of property shall com-

mence to be counted from the date of the publication of each volume, bulletin or instalment.

ART. 6TH. 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.

ART. 7TH. 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 become extinguished, may secure the right of property for their translations, as established in article 3rd., but they shall not prevent the publication of their translations of the same work.

ART. 8TH. 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.

ART. 9TH. 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 4th. of this Convention refers, excepting case of proof to the contrary.

ART. 10TH. 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.

ART. 11TH. 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.

ART. 12TH. 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.

ART. 13TH. 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 indemnities or punishments, to which the falsifiers may be liable according to the laws of the country, in which the fraud has been committed.

ART. 14TH. 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.

ART. 15TH. 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.

ART. 16TH. The Governments of all the signatory States, when approving the present Convention, shall declare whether they accept the adherence to the same by the nations who have had no representation in the Second International American Conference.

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.

For the Argentine Republic:

ANTONIO BERMEJO
LORENZO ANADÓN

For Bolivia:

FERNANDO E. GUACHALLA

For Colombia:

RAFAEL REYES

For Costa Rica:

J. B. CALVO

For Chili:

AUGUSTO MATTE
JOAQU. WALKER M.
EMILIO BELLO C.

For the Dominican Republic:

FED. HENRÍQUEZ I CARVAJAL

For Ecuador:

L. F. CARBO

For El Salvador:

FRANCISCO A. REYES
BALTAZAR ESTUPINIAN

For the United States of America:

W. I. BUCHANAN
CHARLES M. PEPPER
VOLNEY W. FOSTER

For Guatemala:

FRANCISCO ORLA

For Haiti:

J. N. LÉGER

For Honduras:

J. LEONARD
F. DÁVILA

For Mexico:

G. RAIGOSA
JOAQUÍN D. CASASÚS
E. PARDO, JR.
JOSÉ LÓPEZ-PORTILLO Y ROJAS
PABLO MACEDO
F. L. DE LA BARRA
ALFREDO CHAVERO
M. SÁNCHEZ MÁRMOL
ROSENDO PINEDA

For Nicaragua:

F. DÁVILA

For Paraguay:

CECILIO BAEZ

For Peru:

MANUEL ALVAREZ CALDERÓN
ALBERTO ELMORE

For Uruguay:

JUAN CUESTAS