

“ of an abridgment, translation, dramatization, digest, index
 “ or concordance of a work of which he is not the author,
 “ may obtain a copyright for the product of his own labor
 “ and skill. So, also, any one, by making material changes,
 “ additions, corrections, improvements, notes, comments &c.,
 “ in the unprotected work of another, may create a valid
 “ claim for copyright in a new and revised edition. A person
 “ acquires a title to copyright by arranging music which he
 “ has not composed..... In all such cases the test of origina-
 “ lity is applied to that which represents the labor or skill of
 “ the person claiming copyright. In the case of an abridg-
 “ ment, the question is whether the maker has fairly con-
 “ densed the matter of the original and reproduced it as a
 “ work of his own authorship or whether he has merely
 “ shortened it by omitting parts. So, a dramatization must
 “ have a value due to the work of the dramatist and not
 “ found in the novel or poem dramatized.”

Mais il peut y avoir de la difficulté dans le cas d'une compilation qui, comme on le sait, consiste en extraits tirés de divers ouvrages. Ici rien dans le fond n'est original, il faut donc que l'arrangement le soit. Ainsi il ne suffit pas de reproduire le texte même d'un ouvrage en l'abrégant. Il faut absolument que le plan soit nouveau et que la compilation elle-même soit le résultat d'un travail intellectuel. Il n'importe du reste que l'on cite textuellement l'auteur ou que l'on se contente de l'analyser. La seule question, comme le dit Story (1), “ is whether the same plan, arrangement and
 “ combination of materials have been used before for the
 “ same purpose or for any other purpose. If they have not,
 “ then the plaintiff is entitled to a copyright, although he
 “ may have gathered hints for his plan and arrangement, or
 “ parts of his plan and arrangement from existing and known
 “ sources.” (2)

Il est évident qu'on peut écrire un nombre indéfini d'ou-

(1) Emerson vs Davis, 3 Story, 778.

(2) Voir aussi Drone, *ibid.* pp. 152 et 202-5.