

and likely to produce difficulties in the consistent working of the law. These amendments were submitted for the most part on behalf of the various interests having to do with the manufacturing of books and of reproductions of works of art, and were accepted by Congress as in line with the general protective policy of the country. The changes in the text of the bill as originally drafted were accepted by those who had been for many years working for international copyright, because if they had not been accepted it would have been impossible to bring into enactment any international copyright measure whatsoever. It seemed better, for the cause of the recognition of literary property irrespective of political boundaries, to place upon the statute book a law more or less imperfect and incongruous than to leave the United States for a further indefinite term alone among civilized nations in its failure to recognize the just claims of foreign authors and artists. It was also increasingly important to secure a recognition on the other side of the Atlantic for the property rights of American literary producers whose productions were securing from year to year increasing attention from English and Continental readers.

It is proper to state that the law has, in many respects, worked more smoothly than was anticipated. Attention has, however, been called by more than one Attorney-General and also by the present librarian of Congress and by his assistant, the registrar in charge of the Bureau of Copyrights, to the material defects in the wording of the statute. Fear has been expressed that these defects would sooner or later stand in the way of securing consistent action in the courts for the adequate protection of the rights of literary producers. It is the case, however, that comparatively few issues have as yet arisen in the courts under which these unsatisfactory provisions of the law could be tested.

The law has had the effect of securing from year to year for an increasing number of British authors very satisfactory returns from the sales in the United States of their copyrighted property and under the reciprocity arrangement, which came into effect with Great Britain in July, 1891, American authors are each year securing larger returns from their readers in the British Empire, returns which are bound to increase proportionately with the development of American literature. English authors have found some inconvenience in connection with the requirements for simultaneous publication (a requirement which also obtains under the British law) and the further requirements for the manufacturing of the copyrighted book within the territory of the United States but there has been no substantial difficulty, under the arrangements that have come into force between the publishers on either side of the Atlantic and their respective circles of authors, in meeting these two requirements for books originating in the English language.

It is the case, however, that very serious and well-founded criticisms of the law have come from the authors of France, Germany, and Italy, who find that, under the requirements of American manufacture and simultaneous publication, the difficulties are almost insuperable in the way of securing American copyright for books which have to be translated before they are available for the use of American readers. In Germany, the disappointment and annoyance at what are held to be the inequitable restrictions of the American statute have been so considerable

that steps have been taken on the part of authors and publishers to secure the abrogation of the Convention entered into in 1893 between Germany and the United States. The defenders of the Convention have thus far succeeded in preventing it from being set aside, but it is then reported that they will not be able to maintain this Convention for many years to come unless the grievances complained of by German authors shall receive satisfactory consideration. The disappointment and the criticism on the part of the authors of France are no less bitter. It is only the fact that certain substantial advantages have been secured under the law to continental artists, and the expectation that the American people will not long remain satisfied with granting international copyright in form while refusing it in fact that prevents organized attacks not only in Paris and Berlin but also in Rome, upon the present international arrangements.

I myself had occasion while attending, in June, 1901, the convention held at Leipzig of the International Association of Publishers, to listen to a memorial which had been prepared by the Association of German Authors and which was submitted for the approval of the assembly of German publishers, which memorial had for the purpose the abrogation of the Convention between Germany and the United States. I succeeded at that time in securing a decision on the part of the publishers to lay upon the table a resolution approving this memorial of the authors, and the authors themselves later also agreed to defer action. I reported to the representatives of the Continental publishers and authors that, at the instance of the American Publishers' Copyright League, an amendment to our statute had been drafted which had for its purpose the remedying as far as might now be practicable these grievances of the authors of the Continent. I promised that nothing should be neglected on the part of the American publishers, American authors, and others interested in international copyright and in maintaining the copyright relations of the United States with Europe, to secure favorable attention from Congress for the amendment in question. It has, however, proved more difficult than was anticipated two years back to secure such attention on the part of the legislators in Washington. Other matters have intervened in each session which seemed both to Representatives and Senators of much more importance than the question of copyright. Apart from the usual delays on the ground of lack of interest in Congressional committees in such a subject, the representatives of the Publishers' Copyright League found that they had again to give consideration to objections on the part of the typographical unions.

The amendment as first drafted provided that the European author of a book originating in a language other than English should be allowed a term of twelve months (or, as later suggested, of not less than six months) within which to secure arrangements for an American edition of his book and to have completed the required translation. The American edition which was to have the protection of copyright was of course to be "printed from type set within the limits of the United States." During this interregnum term of six months, importation into the United States of copies of the work as issued in the original text could be made and the owner of the copyright was protected against any unauthorized appropriation of his production. This provision was worded with