

prevent translations. In their place it is provided that the translation of a book or drama is to be an infringement of international copyright unless otherwise provided in the Order in Council; but the copyright for purposes of translation ceases ordinarily if an authorized translation in English has not been produced, and in general a translation is to have the same copyright as an original. Other useful amendments of the effect of a copyright order are to be found in section 2. By subsection 1 the order may embrace several foreign countries, and by subsection 2 a further protective provision is introduced. Of course, it cannot be hoped that all countries will join the convention, and, in particular, the United States of America have not yet been arranged with. It might be worth the while of an American author to publish his book in the first instance in a country with which England has a copyright treaty. Whether he would also obtain a copyright in the United States depends on the Acts of Congress. According to the English law, an author first publishing abroad does not obtain copyright in the United Kingdom. This may be different in the United States, or it might be worth while in a particular work to sacrifice the American copyright to the English. In that case the American author might first publish his work in a country in treaty with England and thus obtain the English copyright. He cannot obtain the English copyright direct by first publishing in England, for, although a foreigner may obtain copyright, yet, by a peculiarity in the statutes, he must be a foreigner resident in England. To prevent this evasion, subsection 2 provides that a copyright order may exclude or limit the rights of persons not subjects of the State in question. The effect given to such an exclusion by the Act may well be criticised. The right is, in the event in question, to be in the publisher instead of the author, without prejudice to the rights of the author and publisher *inter se*, which means that the author may effect this manœuvre through his publisher. The clause will, therefore, be useless, unless, by means of the words 'unless the order otherwise provides,' a provision is introduced into orders which will

have the effect of turning the exception into the rule. Section 3 deals with simultaneous publication, an important question by reason of the fact that it is the place of first publication which designates the origin of the copyright. It was held in *Boosey v. Purdey*, 4 Exch. 145, that a publication in a foreign country on the same day does not injure the English copyright. Subsection 1 of section 3 allows the effect of simultaneous publication to be settled by the Order in Council; and, by subsection 2, if the result is that the work is deemed to have been first published abroad, the copyright is to be considered a foreign and not an English copyright. This section seems not sufficiently definite to work practically. Section 6 deals with the application of the Act to existing works, and contains the proviso that 'where any person has, before the date of the publication of an Order in Council, lawfully produced any work in the United Kingdom, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such production which are subsisting and valuable at the said date.' The insertion of this proviso is, we believe, due to Mr. F. Rolt, solicitor, who addressed a circular letter containing many useful criticisms to the members of the House of Lords when the bill was passing through that House. He pointed out that the clause of the bill which merely preserved rights in existing stock, while not unjust in regard to books generally, would work injustice to the publishers of books by foreign authors illustrated by English artists, and foreign airs with setting by English composers. The words of the proviso, although somewhat vague, seem sufficient for the purpose intended.

Perhaps, however, the most interesting of all the amendments in the Act is the small instalment of imperial federation which the Parliament of the United Kingdom has been able to bestow on British possessions beyond the seas during what may be called the Colonial year. Hitherto the Colonies have not only not participated in the benefit of British copyright treaties, but have had no general copyright for their own works in the United Kingdom. Colonial works have been