

N° 3682.

ÉTATS-UNIS D'AMÉRIQUE ET
RÉPUBLIQUE ARGENTINE

Echange de notes comportant un
arrangement relatif à la protection
des droits d'auteur, avec annexe.
Buenos-Ayres, les 28 avril, 28
juillet, 28 août et 3 septembre 1934.

UNITED STATES OF AMERICA
AND ARGENTINE REPUBLIC

Exchange of Notes constituting a
Copyright Arrangement, with An-
nex. Buenos Aires, April 28th,
July 28th, August 28th, and Sep-
tember 3rd, 1934.

No. 3682. — EXCHANGE OF NOTES¹
BETWEEN THE GOVERNMENT
OF THE UNITED STATES OF
AMERICA AND THE GOVERN-
MENT OF THE ARGENTINE
REPUBLIC CONSTITUTING A
COPYRIGHT ARRANGEMENT.
BUENOS AIRES, APRIL 28TH,
JULY 28TH, AUGUST 28TH AND
SEPTEMBER 3RD, 1934.

Nº 3682. — CANJE DE NOTAS¹
ENTRE EL GOBIERNO DE LOS
ESTADOS UNIDOS DE AMERICA
Y EL GOBIERNO DE LA REPUB-
LICA ARGENTINA ESTABLE-
CIENDO UN ARREGLO RELA-
TIVO A LA PROTECCION DE
LOS DERECHOS DE AUTOR.
BUENOS AIRES, 28 DE ABRIL,
28 DE JULIO, 28 DE AGOSTO Y
3 DE SETIEMBRE DE 1934.

*English and Spanish official texts communicated
by the Envoy Extraordinary and Minister
Plenipotentiary of the United States of America
at Berne. The registration of this Exchange of
Notes took place June 25th, 1935.*

*Textes officiels anglais et espagnol communiqués
par l'envoyé extraordinaire et ministre plénipo-
tentiaire des Etats-Unis d'Amérique à Berne.
L'enregistrement de cet échange de notes a eu
lieu le 25 juin 1935.*

EMBASSY
OF THE UNITED STATES OF AMERICA.
No. 108.

I.

BUENOS AIRES, April 28th, 1934.

EXCELLENCY,

I have the honor to inform Your Excellency that the Department of State considers that the provisions of the new copyright law of Argentina (Ley 11.723, " Régimen legal de la propiedad intelectual sobre amparo de las Obras literarias, científicas y artísticas", promulgated on September 28th, 1933) would warrant the exercise of authority granted to the President by the provisions of Section 8 of the copyright laws of the United States, to issue a proclamation declaring that citizens of Argentina are entitled to all the benefits of the Act of Congress approved March 4th, 1909, and Acts amendatory thereof relating to copyright.

In this connection, I have the honor to enclose a pamphlet containing a copy of the Act of Congress approved March 4th, 1909 (35 Stat. Part I, 1075), with amendments, and a copy of the proposed proclamation which the Department of State is prepared to recommend to the President.

Before recommending to the President that this proclamation be issued, the Department of State has requested me to communicate the foregoing information to Your Excellency's Government and to ascertain whether under the law referred to above, the Argentine Government is prepared to extend copyright protection to citizens of the United States simultaneously with the issuance of the enclosed proclamation by the President of the United States.

Please accept, Excellency, the renewed assurance of my highest consideration.

His Excellency
Doctor Carlos Saavedra Lamas,
Minister for Foreign Affairs and Worship,
etc., etc., etc.

Alexander W. WEDDELL.

¹ Came into force August 23rd, 1934.

¹ Entré en vigueur le 23 août 1934.

II.

TEXTE ESPAGNOL. — SPANISH TEXT.

MINISTERIO
DE RELACIONES EXTERIORES
Y CULTO.

Buenos Aires, *Julio 28, 1934.*

SEÑOR EMBAJADOR :

Tengo el honor de dirigirme a V. E., en respuesta a su nota de 28 de abril ppdo., haciéndole saber que, conforme a lo dispuesto por la ley No. 11.723, sobre propiedad artística y literaria, gozan del beneficio de protección que esa ley acuerda a los autores de obras editadas en la República, las obras artísticas, literarias o científicas publicadas en los Estados Unidos de América, sea cual fuera la nacionalidad del autor, siempre que el país a que pertenece reconozca, también, el derecho de propiedad intelectual.

En consecuencia, nada obsta, por parte de este Gobierno, para que el Señor Presidente de los Estados Unidos de América, haga la proclamación de estilo, lo que será un motivo de satisfacción para el Gobierno de la República Argentina, por tan importante paso en las relaciones de ambos países.

Me es grato, Señor Embajador, acompañarle el texto, para conocimiento oficial de su Gobierno, de la Ley de referencia, así como de su reglamentación, de mayo 3 del corriente año.

Aprovecho esta oportunidad para reiterar a V. E. las seguridades de mi alta y distinguida consideración.

Carlos SAAVEDRA LAMAS.

A S. E.
el Señor Embajador Extraordinario
y Plenipotenciario
de los Estados Unidos de América,
Don Alexander Wilbourn Weddell.

II.

¹ TRADUCTION. — TRANSLATION.

MINISTRY
OF FOREIGN AFFAIRS
AND WORSHIP.

Buenos Aires, *July 28th, 1934.*

MR. AMBASSADOR,

In reply to Your Excellency's note of April 28th last, I have the honor to inform you that, in accordance with the stipulations of Law No. 11.723, on artistic and literary copyright, the artistic, literary and scientific works published in the United States of America, no matter what the author's nationality may be, enjoy the protection afforded by that Law to the authors of works published in the Republic, provided that the country to which the author belongs also recognize copyright of intellectual property.

Consequently, there is no obstacle, on the part of this Government, to prevent the President of the United States of America from issuing the customary proclamation, which will be a motive of satisfaction for the Government of the Argentine Republic, in view of such an important step in the relations between the two countries.

I take pleasure in transmitting to Your Excellency, for the official knowledge of your Government, the text of the Law to which reference is made, as well as its Rules and Regulations, of May 3rd of the present year.

I avail myself of this opportunity to reiterate to Your Excellency the assurance of my highest consideration.

Carlos SAAVEDRA LAMAS.

To His Excellency
The Ambassador Extraordinary
and Plenipotentiary of the
United States of America,
Mr. Alexander Wilbourn Weddell.

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.

¹ Translation of the Government of the United States of America.

ANNEX.

COPYRIGHT—ARGENTINA.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION.

Whereas it is provided by the act of Congress approved March 4th, 1909 (ch. 320, 35 Stat. 1075-1088), entitled "An act to amend and consolidate the acts respecting copyright", that the copyright secured by the act, except the benefits under section 1 (c) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in section 8 of the act, to wit :

" (a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work ; or

" (b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty ; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto " ; and

Whereas it is provided by section 1 (e) that the provisions of the act " so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights " ; and

Whereas the President is authorized by section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the act may require ; and

Whereas satisfactory official assurances have been received that on and after August 23rd, 1934, citizens of the United States will be entitled to obtain copyright for their works in Argentina which is substantially equal to the protection afforded by the copyright laws of the United States, including rights similar to those provided by section 1 (e) ;

Now, therefore, I, Franklin D. ROOSEVELT, President of the United States of America, do declare and proclaim :

That on and after August 23rd, 1934, the conditions specified in section 8 (b) and 1 (e) of the act of March 4th, 1909, will exist and be fulfilled in respect of the citizens of the Argentine Republic and that on and after August 23rd, 1934, citizens of the Argentine Republic shall be entitled to all the benefits of this act and acts amendatory thereof :

Provided, That the enjoyment by any work of the rights and benefits conferred by the act of March 4th, 1909, and the acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States ;

And provided further, That the provisions of section 1 (e) of the act of March 4th, 1909, insofar as they secure copyright controlling parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published after July 1st, 1909, and registered for copyright

in the United States which have not been reproduced within the United States prior to August 23rd, 1934, on any contrivance by means of which the work may be mechanically performed.

In witness whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington this 23rd day of August, in the year of our Lord nineteen hundred and thirty-four, and of the Independence of the United States of America the one hundred and fifty-ninth.

(Seal) Franklin D. ROOSEVELT.

By the President :

William Phillips,
Acting Secretary of State.

III.

EMBASSY
OF THE UNITED STATES OF AMERICA.
No. 162.

BUENOS AIRES, *August 28th, 1934.*

EXCELLENCY,

I have the honor to refer to my note No. 108 of April 28th, 1934, informing Your Excellency that the Department of State considered that the provision of the new copyright law of Argentina would warrant the exercise of authority granted to the President of the United States by the provisions of Section Eight of the Copyright Laws of the United States to issue a proclamation declaring that citizens of Argentina are entitled to all the benefits of the Act of Congress approved March 4th, 1909, and acts amendatory thereof relating to copyright.

I also refer to Your Excellency's courteous note of July 28th, 1934, in reply thereto, informing me that in accordance with the provisions of Law No. 11,723 on artistic and literary copyright, the artistic, literary and scientific works published in the United States, no matter what the author's nationality may be, enjoy the protection afforded by that law to the authors of works published in the Republic, provided that the country to which the author belongs also recognises the copyright of intellectual property. You state further that it would be a motive of satisfaction to the Argentine Republic to have the President of the United States issue this proclamation.

I now take pleasure in informing Your Excellency that I have just received a telegram from the Department of State informing me that the President of the United States issued a proclamation establishing reciprocal copyright relations between Argentina and the United States on August 23rd last.

Please accept, Excellency, the renewed assurances of my highest consideration.

Alexander W. WEDDELL.

His Excellency
Doctor Carlos Saavedra Lamas,
Minister for Foreign Affairs and Worship,
etc., etc., etc.

IV.

IV.

TEXTE ESPAGNOL. — SPANISH TEXT.

¹ TRADUCTION. — TRANSLATION.

MINISTERIO
DE RELACIONES EXTERIORES
Y CULTO.

MINISTRY
OF FOREIGN AFFAIRS
AND WORSHIP.

Buenos Aires, *Septiembre* 3, 1934.

Buenos Aires, *September* 3rd, 1934.

SEÑOR EMBAJADOR :

Mr. AMBASSADOR,

Tengo el agrado de acusar recibo de la nota de V. E. No. 162 de agosto 28 ppdo., por la que se refiere a la de esa Embajada No. 108 de abril 28 del corriente año informando que el Departamento de Estado consideraba que las disposiciones de la nueva ley argentina sobre Propiedad literaria y artística justificarían el ejercicio de la autoridad concedida al Presidente de los Estados Unidos por las disposiciones del artículo 8 de las leyes sobre propiedad literaria y artística de los Estados Unidos, para lanzar una proclama declarando que los ciudadanos de la Argentina tienen derecho a todos los beneficios de la ley del Congreso aprobada el 4 de marzo de 1909, y leyes modificatorias de la misma referentes a propiedad literaria y artística.

I take pleasure in acknowledging receipt of Your Excellency's note No. 162 of August 28th last referring to a previous note of your Embassy No. 108 of April 28th of the present year, informing me that the Department of State considered that the provisions of the new Argentine Copyright Law would warrant the exercise of authority granted to the President of the United States by the provisions of Section Eight of the Copyright Laws of the United States to issue a proclamation declaring that citizens of Argentina are entitled to all the benefits of the Act of Congress approved on March 4th, 1909, and acts amendatory thereof relating to copyright.

Alude V. E., también, a la esta Cancillería de julio 28 último, en respuesta a aquella, expresando que de conformidad con las disposiciones de la ley No. 11723 sobre propiedad literaria y artística, las obras artísticas, literarias y científicas publicadas en los Estados Unidos, cualquiera que sea la nacionalidad del autor, gozan de la protección acordada por la ley a los autores de obras publicadas en la República, siempre que el país a que pertenezca el autor reconozca también el derecho de la propiedad intelectual, y que sería un motivo de satisfacción para la República Argentina que el Presidente de los Estados Unidos lanzara esa proclama.

Your Excellency also refers to this Chancellery's note of July 28th, 1934, in reply thereto, stating that in accordance with the provisions of Law No. 11723 on artistic and literary copyright, the artistic, literary and scientific works published in the United States, no matter what the author's nationality may be, enjoy the protection afforded by that law to the authors of works published in the Republic, provided that the country to which the author belongs also recognizes the copyright of intellectual property, and that it would be a motive of satisfaction to the Argentine Republic to have the President of the United States issue this proclamation.

En virtud de tales antecedentes V. E. tiene a bien manifestarme que ha recibido un telegrama del Departamento de Estado informándole que el Excmo. Señor Presidente de los Estados Unidos de América, el día 23 de agosto pasado,

In view of these antecedents Your Excellency takes pleasure in informing me that you have received a telegram from the Department of State stating that the President of the United States issued a proclamation establishing reci-

¹ Traduction du Gouvernement des Etats-Unis d'Amérique.

¹ Translation of the Government of the United States of America.

lanzó una proclama estableciendo relaciones recíprocas de propiedad literaria y artística entre nuestros dos países.

Al manifestar al Señor Embajador que este Gobierno se ha impuesto con agrado de la determinación del Gobierno de V. E., que ha sido llevada conocimiento de las autoridades respectivas a los fines consiguientes, reitérole las seguridades de mi más alta y distinguida consideración.

(Fdo.) Carlos SAAVEDRA LAMAS.

A S. E. el Embajador Extraordinario
y Plenipotenciario de los
Estados Unidos de América,
Señor Alexander Wilbourne Weddell.

procal copyright relations between Argentina and the United States on August 23rd last.

In expressing to Your Excellency that this Government is gratified to know of the decision of your Government and that it has duly informed the respective authorities, I reiterate to Your Excellency the assurances of my highest and most distinguished consideration.

(Signed) Carlos SAAVEDRA LAMAS.

His Excellency
The Ambassador Extraordinary
and Plenipotentiary of the
United States of America,
Mr. Alexander Wilbourne Weddell.

Certified to be true and complete
textual copies of the original Notes
and Proclamation in the languages
in which they were signed.

For the Secretary of State
of the United States of America :

P. J. Allen,
*Acting Chief Clerk
and Administrative Assistant.*