

N° 3473.

ÉTATS-UNIS D'AMÉRIQUE
ET POLOGNE,
AU NOM DE LA
VILLE LIBRE DE DANTZIG

Echange de notes comportant un
arrangement relatif à la protection
des droits d'auteur, avec annexes.
Washington, les 9 janvier et 17
avril 1934.

UNITED STATES OF AMERICA
AND POLAND,
ON BEHALF OF
THE FREE CITY OF DANZIG

Exchange of Notes constituting
a Copyright Arrangement, with
Annexes. Washington, January
9th and April 17th, 1934.

No. 3473. — EXCHANGE OF NOTES ¹ BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE POLISH REPUBLIC, ON BEHALF OF THE FREE CITY OF DANZIG, CONSTITUTING A COPYRIGHT ARRANGEMENT. WASHINGTON, JANUARY 9TH AND APRIL 17TH, 1934.

English and German official texts communicated by the Chargé d'Affaires a. i. of the United States of America at Berne. The registration of this Exchange of Notes took place August 17th, 1934.

Textes officiels anglais et allemand communiqués par le chargé d'Affaires a. i. des Etats-Unis d'Amérique à Berne. L'enregistrement de cet échange de notes a eu lieu le 17 août 1934.

I.

AMBASSADE DE POLOGNE.

No. 90/SZ 8.

January 9th, 1934.

SIR,

Upon instructions of my Government, acting in conformity with Article 104, paragraph 6, of the Treaty of Versailles, I have the honor to notify hereby the desire of the Free City of Danzig to enter into reciprocal copyright arrangements with the United States.

In this connection I have the honor to bring to your attention the following considerations :

(1) By a Decree dated July 4, 1933 (*Gesetzblatt für die Freie Stadt Danzig* Nr. 47 of July 26, 1933), the benefit of copyright equal to the protection secured to their citizens was granted by the Senate of the Free City of Danzig to nationals of the United States.

The said Decree will enter into force upon the issuance by the President of the United States of a Proclamation, provided for in Section 8 of the United States Law of March 4, 1909.

An English translation of the said Decree is attached hereto.

(2) In view of the provisions of Section 1 (*e*) of the Law of March 4, 1909, it is to be noted that the rights of authors of musical compositions within the territory of the Free City of Danzig are protected by the corresponding provisions of the Laws of the German Reich, dated respectively June 19, 1901, and January 9, 1907, as amended on May 22, 1910. Section 12, par. 5, of the Law of June 19, 1901, establishes clearly that the copyright owner has the exclusive right to grant the permission for reproduction of his compositions by mechanical instruments.

¹ Came into force April 7th, 1934.

¹ Entré en vigueur le 7 avril 1934.

The international obligation in this respect is created by the Free City's adherence to the Berne Convention¹ of June 2, 1928, and more especially to its Article 13. The text of the Convention is published in the "Droit d'Auteur" for 1928, page 76.

Accept, Sir, the renewed assurances of my highest consideration.

S. PATEK.

The Honorable
William Phillips,
Acting Secretary of State.

TEXTE ALLEMAND. — GERMAN TEXT.

²TRADUCTION. — TRANSLATION.

ANLAGE.

ANNEX.

RECHTSVERORDNUNG

DECREE

BETR. DAS URHEBERRECHT AMERIKANISCHER
STAATSANGEHÖRIGER. VOM 4. JULI 1933.

IN REGARD TO THE BENEFIT OF COPYRIGHT
GRANTED TO AMERICAN NATIONALS. DATED
JULY 4, 1933.

Auf Grund von § 1 III, Ziffer 31, § 2 d) des Gesetzes zur Behebung der Not von Volk und Staat vom 24. Juni 1933 (G. Bl. S. 273) wird hiermit folgendes mit Gesetzeskraft verordnet :

By virtue of Section 1, III, number 31, Section 2 d, of the Law for the Relief of the People and the State dated June 24, 1933 (*Journal of Laws*, p. 273), the following is decreed :

§ 1.

Section 1.

Staatsangehörige der Vereinigten Staaten von Amerika genießen für ihr Urheberrecht an Werken der Literatur und Tonkunst, der bildenden Künste und Photographie in gleichem Umfange wie Danziger Staatsangehörige den gesetzlichen Schutz (Gesetz vom 19. 6. 1901/22. 5. 1910 betr. das Urheberrecht an Werken der Literatur und der Tonkunst (Reichsges. Bl. 1901 S. 227 und 1910 S. 793) sowie Gesetz vom 9. 1. 1907/22. 5. 1910 betr. das Urheberrecht an Werken der bildenden Künste und der Photographie (R.-G.-Bl. 1907 S. 7 und 1910 S. 793)

Citizens of the United States of America shall enjoy the benefit of copyright on works of literature and music, the plastic arts and photography to the same extent of legal protection as the citizens of Danzig (Law of June 19, 1901/May 22, 1910, regarding copyright on works of literature and music (*State Journal of Laws*, 1901, p. 227, and 1910, p. 793) also under the Law of January 9, 1907/May 22, 1910, regarding copyright on works of the plastic arts and photography (*State Journal of Laws*, 1907, p. 7, and 1910, p. 793)).

§ 2.

Section 2.

Die Verordnung tritt mit dem Tage in Kraft, an dem der Präsident der Vereinigten Staaten von Amerika die in Sektion 8 des amerikanischen Gesetzes vom 4. März 1909 vorgesehene Proklamation erlässt, wonach die Danziger Staatsangehörigen im Gebiete der Vereinigten Staaten von Amerika die gleichen urheberrechtlichen

This decree shall enter into force on the day on which the President of the United States of America shall issue the Proclamation provided for in Section 8 of the U. S. Law of March 4, 1909, in accordance with which the citizens of Danzig are to enjoy the benefit of copyright on the same basis as the citizens of the United

¹ Vol. CXXIII, page 233 ; vol. CXXX, page 469 ; vol. CXXXIV, page 432 ; vol. CXXXVIII, page 453 ; et vol. CXLII, page 377, de ce recueil.

² Traduction du Gouvernement des Etats-Unis d'Amérique.

¹ Vol. CXXIII, page 233 ; Vol. CXXX, page 469 ; Vol. CXXXIV, page 432 ; Vol. CXXXVIII, page 453 ; and Vol. CXLII, page 377, of this Series.

² Translation of the Government of the United States of America.

Befugnisse genießen wie Inländer. Der Zeitpunkt des Erlasses der Proklamation ist im Danziger Gesetzblatt bekannt zugeben.

DANZIG, den 4. Juli 1933.

Der Senat der Freien Stadt Danzig :

Dr. RAUSCHNING. BOECK.

States. The date of issuance of this Proclamation is to be published in the Danzig *Journal of Laws*.

DANZIG, July 4th, 1933.

The Senate of the Free City of Danzig :

Dr. RAUSCHNING. BOECK.

I herewith certify that the original and the translation are substantially in agreement.
Washington, January 9, 1934.

Z. Klimpel,
Secretary of Embassy.

II.

DEPARTMENT OF STATE.

WASHINGTON, April 17th, 1934.

EXCELLENCY,

Reference is had to Your Excellency's note of January 9, 1934, and the Department's note to you of February 28, 1934, concerning the establishment of reciprocal copyright relations between the United States and the Free City of Danzig.

There are transmitted herewith in duplicate photostat copies of a proclamation issued by the President of the United States on April 7, 1934, declaring that citizens of the Free City of Danzig are entitled to the benefits of the Act of Congress approved March 4, 1909, and acts amendatory thereof, relating to copyright.

Accept, Excellency, the renewed assurances of my highest consideration.

For the Secretary of State :

William PHILLIPS.

His Excellency
Mr. Stanislaw Patek,
Ambassador of Poland.

ANNEX.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.

A PROCLAMATION.

WHEREAS it is provided by the act of Congress approved March 4, 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 (*e*) 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 evidence has been received that in the Free City of Danzig the law permits and from the date of this proclamation will grant to citizens of the United States the benefit of copyright on substantially the same basis as to citizens of the Free City of Danzig ; and

WHEREAS satisfactory official assurance has been given that in the Free City of Danzig the law now permits to citizens of the United States similar rights to those accorded in section 1 (*e*) of the act of March 4, 1909 :

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do declare and proclaim :

That on and after April 7, 1934, the conditions specified in section 8 (*b*) and 1 (*e*) of the act of March 4, 1909, will exist and be fulfilled in respect of the citizens of the Free City of Danzig and that on and after April 7, 1934, citizens of the Free City of Danzig 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 4, 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 4, 1909, insofar as they secure copyright controlling parts of instruments serving to reproduce mechanically musical works, shall apply only to compositions published after July 1, 1909, and registered for copyright in the United States which have not been reproduced within the United States prior to April 7, 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 7th day of April, 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-eighth.

By the President :

Cordell Hull,

Secretary of State.

(*Seal*) Franklin D. ROOSEVELT.

Certified to be true and complete textual copies of the original notes and proclamation in the language in which they were signed.

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

C. E. MacEachran,

Chief Clerk and Administrative Assistant.

¹ TRADUCTION. — TRANSLATION.

N^o 3473. — ÉCHANGE DE NOTES ENTRE LE GOUVERNEMENT DES ÉTATS-UNIS D'AMÉRIQUE ET LE GOUVERNEMENT DE LA RÉPUBLIQUE DE POLOGNE, AU NOM DE LA VILLE LIBRE DE DANTZIG, COMPORTANT UN ARRANGEMENT RELATIF A LA PROTECTION DES DROITS D'AUTEUR. WASHINGTON, LES 9 JANVIER ET 17 AVRIL 1934.

AMBASSADE DE POLOGNE.

I.

N^o 90/SZ. 8.

Le 9 janvier 1934.

MONSIEUR LE SECRÉTAIRE D'ÉTAT,

D'ordre de mon gouvernement agissant conformément au paragraphe 6 de l'article 104 du Traité de Versailles, j'ai l'honneur de porter à votre connaissance que la Ville libre de Dantzig désire conclure, avec les Etats-Unis, des accords de réciprocité concernant le droit d'auteur.

A cet égard, j'ai l'honneur d'attirer votre attention sur les considérations suivantes :

1^o Par un décret en date du 4 juillet 1933 (*Gesetzblatt für die Freie Stadt Dantzig* [*Bulletin des lois de la Ville libre de Dantzig*], N^o 47, du 26 juillet 1933), le Sénat de la Ville libre de Dantzig a octroyé aux ressortissants des Etats-Unis d'Amérique le bénéfice du droit d'auteur dans une mesure égale à la protection dont jouissent ses propres ressortissants.

Ledit décret entrera en vigueur dès que le Président des Etats-Unis aura publié une proclamation selon les dispositions de la section 8 de la Loi des Etats-Unis, en date du 4 mars 1909.

Une traduction en anglais dudit décret est jointe à la présente note.

2^o Au sujet des stipulations de la section 1 e) de la loi du 4 mars 1909, il y a lieu de constater que les droits des auteurs de compositions musicales sont garantis, sur le territoire de la Ville libre de Dantzig, par les dispositions correspondantes des lois du Reich allemand, en date, respectivement, du 19 juin 1901 et du 9 janvier 1907, amendées le 22 mai 1910. Les termes du paragraphe 5 de la section 12 de la loi du 19 juin 1901, établissent clairement que c'est au propriétaire du droit d'auteur qu'appartient le privilège exclusif d'accorder l'autorisation de reproduction de ses œuvres par le moyen d'instruments mécaniques.

L'obligation internationale, à cet égard, résulte de l'adhésion de la Ville libre de Dantzig à la Convention de Berne en date du 2 juin 1928 et plus particulièrement de l'article 13 de cette Convention. Le texte de la Convention de Berne est publié dans le *Droit d'auteur* de 1928, page 76.

Veuillez agréer, Monsieur le Secrétaire d'Etat, les assurances renouvelées de ma très haute considération.

S. PATEK.

L'hon. William Phillips,
Secrétaire d'Etat par intérim.

¹ Traduit par le Secrétariat de la Société des Nations, à titre d'information.

¹ Translated by the Secretariat of the League of Nations, for information.