

## Memorandum for Cabinet

by the Hon. Minister of Commonwealth and Foreign Affairs  
and by the Hon. Minister of Trade, Industry and Agriculture  
(1) on the continued adherence by the Government of  
Malta to the Berne Convention for the protection of literary  
and Artistic Works and  
(2) on the accession by the Government of Malta to  
the Universal Copyright Convention.

1. Before attaining independence Malta was a member of the Berne Copyright Union, as on August 19, 1931 the British Legation in Berne notified the Swiss Government that, pursuant to article 26 (1) of the Berne Convention (Rome text of 1928), that Convention was applicable to certain Colonies, Protectorates and Territories under British Mandate, amongst which Malta was expressly included.

2. Malta may continue without interruption to be a member of the Berne Copyright Union by addressing to the Swiss Government a declaration of continued adherence to the Berne Convention (Rome text of 1928). This, of course, will imply that Malta will have to contribute to the expenses of the Union on a coefficient basis.

3. When the draft Bill relating to the Copyright Act, 1967, was submitted to the Cabinet for its approval, the basic principles behind that Bill and its purposes were amply set out in the Memorandum covering the said Bill and it was then also mentioned that the enactment of the Bill would enable Malta to continue to adhere to the Berne Convention at Rome level.

4. The Universal Copyright Convention dated 6th September, 1952 was prepared under the auspices of the United Nations Education, Scientific and Cultural Organisation (U.N.E.S.C.O.) and it has been signed by forty States, including the United Kingdom, Italy, France and the United States of America. It was the result of four committees of experts whose particular care was to ensure that the various cultural regions of the world, the different legal systems and the principal interests concerned should be satisfactorily represented.

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5. The Universal Copyright Convention does not in any way affect the provisions of the Berne Convention and there is no inconsistency in a country being a member to both Conventions; as a matter of fact many countries are members to both Conventions.

6. The Universal Copyright Convention, too, seeks to attain the same aims which were intended to be attained by the recent enactment of our Copyright Act; indeed, this was so drafted as to render possible accession also to this Convention.

7. The scope of continuing to adhere to the Berne Convention (Rome text of 1928) and of acceding to the Universal Copyright Convention is twofold, namely: that of recognizing the principle, internationally acknowledged by all civilized countries, that intellectual property deserves protection as much as any other property and that of ensuring that intellectual property produced by Maltese authors or by persons domiciled in Malta, or produced in Malta, enjoys protection in foreign countries on a basis of reciprocity.

8. Honourable Ministers are, therefore, asked to approve:

a) that the Government of Malta continue to adhere to the Berne Convention (Rome text of 1928); and

b) that the Government of Malta accede to the Universal Copyright Convention.

10th August, 1967.