

The Bookseller's International Prescriptive Customs

By Dr. Albert Heß

A certain variety of the goods of the book trade—books, music, periodicals, pictures, graphic means of instruction, and the like—necessitates a variety in the means of circulation—promotion and sale—of these goods from the publisher through the retailer to the consumer. In view of this fact, the book trade in all countries has constantly endeavoured to invent and organize homogeneous regulations to facilitate both the flow of books and their sale. These steps include also uniformity of the published prices in the various countries.

These ends have been achieved by means of commercial negotiations on the basis of certain mercantile usages, and thus a professional autonomous right has been established, of course with various deviations. In some countries—Hungary, Jugoslavia, Great Britain—only regulations for the sale of books to the public (protection of the published price) are applied. Poland, Czecho-Slovakia, Belgium, Denmark, France have united both sale and circulation in coherent regulations. Switzerland, Finland, Holland, Norway, Sweden, and Germany, on the contrary have separated them.

It goes without saying that such regulations are more copious in such countries where they have been laid down minutely; thus Switzerland and Germany take the lead, whilst the entirely different structures of the book trade in some other greater countries have not yet made a similar comprehensive treatment of the subject necessary. The German regulations, moreover, are of greater importance for the country, on the one hand owing to the publishers' dispersion over the whole territory, secondly by the centralization at Leipzig, and finally by the still wide-spread "sale-or-return" system, the latter being quite a particular feature of the German book trade. These characteristic details have been the cause of the considerable German regulations that are meant to lead to both unification and simplification. The French book trade, for instance, with its centralization of the publishing trade is not at all obliged to observe such a great number of regulations.

The selling regulations of most countries are more important than those for circulation; in some cases only regulations for the protection of the published price exist. This fact proves that this item is more important than a regulation within the scope of mere output. This can be regulated by the publishers' and wholesalers' terms, whilst the protection of the published price must necessarily be effected by the organizations. The main point of the protection of the published price is the essential requirement of the well developed book trade.

The International Publishers' Congress has dealt with the questions of international protection of the published price from the very beginning. At the third Congress in London

in 1899 an international union between publishers and booksellers had been suggested, in order to guarantee international protection of the published price.

Special questions about the trading possibilities between the booksellers of various countries have been frequently discussed. For instance, decisions concerning settlement of invoices of the so-called sale-or-return books had been made; some suggestions were made about indemnification from loss of subscribers with regard to serial works, about compensation for defective copies, and even about particulars re packing materials. The wrong use of returns was touched upon as well as the storing of books with the retailer.

The International Congress cannot possibly decide questions that are meant to bind either its various organizations, or single members. Its attempts and duties comprise the reporting of decisions, and the making of suggestions. The different associations joining the IPC have to make the various decisions, and to carry them out, either with the consent of their authorities or take the necessary steps themselves.

The Börsenverein der Deutschen Buchhändler is fortunately not behindhand in such measures compared to other similar organizations. Nearly all questions and problems relating to such traffic-regulations have been fixed in its statutes. These are applied also in international communication in so far as they are based on the contract for delivery in each case also for the foreign buyer of German books (§ 1a of the Book Trade Regulations: These traffic-regulations settle and control the business relations of the German retailer also with regard to his dealings with foreign booksellers and retailers). The Börsenverein is now contemplating a further step towards the protection of the published price. The latter is already protected within the German territory; but beyond this fact a similar mutual agreement with the Dutch organizations is going to follow at the latter's instigation. Thus the repeated attempts of the IPC will be realized for the first time.

The endeavours of the Congress with regard to this special subject of the business programme intend that the international book traffic and sale should be acknowledged, and based on principles of general importance, and thus be effective in the form of a kind of prescriptive custom. This aim, however, can only be attained by agreements between each individual organization, and it goes without saying that the IPC will pave the way to such an international prescriptive custom the more members arrive at such individual stipulations, and that in the course of time an independent international law will be developed, no longer, or only loosely, supported by special agreements with the various organizations.