

them, it will, I think, be easy to indicate them; they are not exceedingly numerous. The member for Shelburne and Queen's (Mr. Fielding) suggest that I should make a general statement with regard to the matters which have been in controversy in connection with this Bill and which are embodied in those amendments that may be considered important. The matter that has been controversial in connection with this Bill results principally from the contention, from what may be called the authors' side, for an absolute right of control of the reproducing of copies of their works, and the claim advanced from the other side, on behalf of publishers and printers in this country, for an assurance to them of an opportunity to participate in the production of what may be called the material part of the work; and the principal work of the committee was to endeavour; if not absolutely to conciliate those opposing claims, at least to arrive at an enactment of provisions which would respect, in some measure, both contentions. So far as the authors are concerned, the Bill, as originally drawn fully recognized in principle their right to copyright. It did contain, as originally drawn, certain clauses providing for the issuing of a license with regard to each work to a publisher in Canada, where the author of the work did not print, or provide for the printing of, his work in Canada. These clauses went exceedingly far. The Bill, as it now is before the committee, modifies very considerably the provisions of the Bill as introduced, and the modifications are all in the direction of giving a wider protection to the author, and limiting in consequence the rights conferred upon the publishers or printers. Just to take one instance of the kind of thing in which the Bill as amended differs from the Bill as introduced, I may say that in the Bill as introduced it was provided that when an author did not print in this country, it was open to a publisher, upon making application, to obtain a license which, under the provisions of the original Bill, continued in effect during the whole term of the copyright; and as that term is fixed at the lifetime of the author and a period of fifty years afterwards, the author found his work—because he was not prepared to print it in Canada—for that entire period subject to the control, so far as Canada was concerned, of the fortunate licensee.

Mr. FIELDING: Without compensation?

Mr. DOHERTY: Oh no, there was provision for compensation. That also is modified. Now we have modified the Bill so that the license shall be either for a fixed period of time, which the Bill provides shall not exceed five years, or for an edition or a number of editions of the work.

Mr. BUREAU: Is that under section 14 of the Bill?

Mr. DOHERTY: It has become section 13 in the amended Bill because section 13 of the original Bill was struck out. Now, in addition to this limitation as to the time of the duration of the license, or its restriction to a specified number of editions, the Bill has been modified as regards the rate of compensation. The Bill as introduced provided a fixed rate or royalty of 10 per cent on the sales price of the book. It was pointed out that that did not operate to do justice—that there are some works upon which perhaps 10 per cent might be a high royalty and that, on the other hand, there are other works on which, their intrinsic merit or perhaps those qualities which make them count among "best sellers," might justify the author in claiming a larger royalty. In particular it was brought to the attention of the committee that there are not a few authors who, in other countries, command a royalty of 20 or 25 per cent, and it was pointed out that in their cases it would be obviously not just to enable a Canadian publisher to give forth an edition of their books at a lower royalty in competition with the publishers of other countries who may be at liberty to export their books here, and who are paying the author a larger royalty. The method adopted to meet that situation is to provide that in each case the parties respectively—the publisher applying for a license and the author—shall be heard by the minister and have opportunity to place before him the different circumstances bearing upon the question of what would be a just royalty; and the minister is empowered—after so hearing the parties or after notice to the author—to determine the royalty that ought to be paid. He is also empowered to determine the number of editions that are to be published and the term of years they are to run, and any terms or conditions which the circumstances of the case may demonstrate to be necessary to be inserted in the license and to which the licensee shall be subject. Now on those two matters, those are the substantial changes that have been made. The committee trust that the changes will