The Copyright Association of Canada.

Toronto, March 20th, 1895.

Certain erroneous statements having been circulated with regard to the Canadian Copyright Act of 1889, it has been deemed advisable by the Copyright Association of Canada to issue the following statements:

General statement

The Canadian Copyright Act of 1889 was unanimously passed by the Parliament of Canada, and assented to by the Governor-General.

The Act was to come into operation on proclamation of the Governor-General.

The Governor-General has not yet proclaimed the Act.

The Canadian Government contend that they have the right to legislate fully on Copyright, it being one of the classes of subjects entrusted to the Parliament of Canada by the B.N.A. Act of 1867.

The following are among the reasons why the Act should be proclaimed:

A copyright analagous to a patent.

A copyright is analagous to a patent. The Canadian Copyright Act is analagous to the Canadian Patent Act. That Patent Act requires manufacture in Canada. The Imperial Government did not disallow the Patent Act. The Imperial Government would not propose that a United States patentee, on securing the British patent, should thereby secure the Canadian patent. Why should the Imperial Government assure the United States author, that on securing Copyright in Great Britain, he thereby secures Copyright in Canada? Canada exclusively legislates as to the terms on which patents may be secured in Canada. Canada should be permitted to exercise the same powers as to the terms on which copyrights may be secured in Canada.

Canadian market must not be sold

The United States publisher when buying from a British author the copyright for the United States, stipulates that Canada shall be included.

Canadians resent this sale of their market, and persist in their claim to adopt such legislation as will put a stop thereto.

Canadian reprints cannot flood other markets.

The fear that Canadian publishers would flood the British and United States markets with cheap editions, is utterly unfounded, as the Copyright Acts of those countries prohibit the importation and sale of unauthorised editions, and impose a heavy penalty for violation of the law. Canadian publishers, therefore, could not flood either market with cheap editions.

It has happened that orders for books sent to London have been returned with "cannot supply" marked thereon, thus forcing Canadians to buy those books from the United States publishers.

On the other hand, the British publisher prints a cheap edition of a work by a United States author. This cheap edition is exported to Canada. An illustration on this point is furnished in the case of F. Marion Crawford's book, "The Ralstons." This book was published in the United States at $2. It was published simultaneously in Great Britain at 12 shillings. But the British publishers printed a cheap Colonial edition which sold in Canada for 75 cents. This cheap edition was on sale in Canada within a day or two after the publication of the United States $2 edition. Here, then, is a British publisher issuing a cheap paper edition for sale in Canada when one of the main objections of the opponents of the Canadian Act, which is made to do duty on every occasion, is that the Canadian publisher will issue cheap paper editions which will flood the United States market in competition with the more expensive United States editions! It must be distinctly understood, however, that this cheap paper edition, which is sold in Canada, does *not* flood the United States market, for the very excellent reason, already stated, that the United States Copyright Act prohibits its importation or sale in the United States.

Imports allowed from Britain.

The Canadian Act permits the importation of British editions of works, whether copyrighted here or published under the royalty clause of the Act, but excludes foreign editions.

No piracy in Canadian Act.

Should the author (be he British or American) neglect to secure copyright in Great Britain, any publisher may reprint the work there without paying the author.

Should the author neglect to secure copyright in the United States, any publisher may reprint the work there without paying the author.

Should the author neglect to secure copyright in Canada, no Canadian publisher could reprint the work in Canada without paying the author ten per cent. royalty.

It is therefore clearly seen that while the British and United States Acts permit the piracy of authors' works, the Canadian Act does not.

The Royalty Clause.

The introduction of the royalty clause in the Canadian Act was not original with the promoters thereof. The idea was suggested by the Foreign Reprints Act, passed by the Imperial Parliament, which allows a United States publisher, or other foreign publisher, who has printed a copyright book without permission, to supply the Canadian market on payment of a royalty of 12½ per cent., collected on the wholesale price of the book, which royalty goes to the British copyright owner. It was but natural for the Canadian to desire to be placed on an equal footing with the foreign publisher, so far as his own market was concerned. Therefore a royalty of 10 per cent. on the retail price of the book was suggested.

Furthermore, many difficulties have been encountered in collecting the royalty on imports, it being almost impossible to keep a complete and accurate list at every Custom House, and to check every invoice therefrom. The collection of the royalty on reprints, on the other hand, is provided for by the Canadian Law in a perfectly safe manner, as the Inland Revenue Department is to stamp the title page of each copy of every book issued, and before this is done the royalty must be paid to the Government to the credit of the author. As a matter of fact, then, the author will exchange his royalty of 12½ per cent. on imports, which is uncertain of collection, for a royalty on reprints of 10 per cent. on the retail price, which is certain of collection.