

yard, and most good customers of the book-counter would as soon go to a departmental store for their books as they would go to a pawn shop for a new suit of clothes. So the bookman—the thorough bookman—can get a reasonable price for a book just as easily as he can get a cat price. How many people consider the difference between 75c. and 65c. a very important matter? Not one in 10 that will spend that amount in a book. During Christmas week, while in a bookstore, I saw a gentleman buy four 75c. paper books and he paid his \$3 without a murmur."

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A Point for Dealers.

Although the action over the right of Morang & Co. to the copyright of Parkman's works, reported elsewhere in this issue, is an important one, the main issue is chiefly one between two publishing firms. It is, therefore, of less practical consequence to the trade generally than some of the questions which arise out of the terms of Judge Robertson's decision. As near as we can ascertain, the judgment means that owners of copyrights registered under the British Act of 1842 can strictly enforce exclusive rights of issue in this market. Reprints of these from the United States cannot be brought in, except by the owner of the copyright. How many British books (of which there are American reprints) may be affected by this decision it is impossible to say. Without pretending to offer a final opinion on a point of law, we cannot help thinking that the importation of American reprints becomes a somewhat dangerous operation for the Canadian importer or dealer. If a copyright is registered at Stationers' Hall, London, and the owner of that copyright chooses to exclude foreign reprints he can take legal action against the Canadian importer, whether he be wholesale firm or retail dealer. Now, this is a very awkward position in which to place the bookselling trade of this country, and we think a remedy ought to be found for it. Meantime we draw the attention of our readers to this important phase of the judgment in the Parkman case, reminding them, as on previous occasions, that the English publishers are bound to stand up for their legal rights in this market, and may at any time begin actively to stop the sale of

reprints which they claim to be unauthorized. The English Publishers' Association are said to have legal counsel already retained in order to carry on such proceedings. We are further informed that an English publisher has obtained judgment against a bookseller in Australia who was selling American reprints of British copyright books. A word to the wise is sufficient.

THE PARKMAN COPYRIGHTS

Important Decision by Judge Robertson.
at Toronto.

THIS action was brought by Morang & Co., owners of the British copyright in Parkman's works, to restrain the importation by the Publishers' Syndicate, without the authority of Morang & Co., of American reprints.

POSITION OF THE PLAINTIFFS.

Morang & Co.'s position was based upon the present position of the copyright law. The British Copyright Act of 1842 prohibits the importation into the United Kingdom or any other part of the British dominions, by any person not being the proprietor of the copyright, or some person authorized by him, of foreign reprints.

In 1847 the Imperial Parliament passed the Foreign Reprints Act, which authorized Her Majesty to suspend the prohibitions in the Act of 1842 against the importation of foreign reprints, in case the Legislature in any possession passed an Act which, in the opinion of Her Majesty, made due provision for securing or protecting the rights of the British author. The suspension of the prohibition was to continue so long as the provisions of such Act continued in force within the possession.

In 1868 the Parliament of Canada passed an Act empowering the Governor General to impose a duty upon foreign reprints, in order that the proceeds of such duty might be paid over to the copyright owners. Under this Act a duty of 12½ per cent. was imposed. The Canadian Act of 1868 was repealed in 1886, but the collection of the 12½ per cent. was continued under the provisions of successive Customs Acts.

In 1894 the Colonial Office was notified that Canada proposed to abandon the collection of the 12½ per cent., and by the Tariff Customs Acts of that year it was provided that the collection of the 12½ per cent. was only to continue until the end of

the next session of Parliament, and accordingly the collection ceased on July 22, 1895.

THE JUDGE'S DECISION.

Mr Justice Robertson in giving judgment has held that the prohibitions against the importations of foreign reprints, which are contained in the Act of 1842, are again in force, so far as Canada is concerned, and that the importation by The Publishers' Syndicate was an infringement of Morang & Co.'s rights as owners of the British copyright.

The Act of 1842 provides that no proprietor of copyright of any book shall maintain any action until he has entered such book in the Book of Registry at Stationers' Hall. It has been a debatable question for some time as to whether this Act required an assignee to register before suing. His Lordship holds that the Act required Morang & Co. to register their assignment from the heirs of Parkman before they can maintain their action, and he therefore refused the injunction, but in view of the fact that there had been a breach of Morang & Co.'s right as copyright owners, and as he was obliged to refuse the motion on purely technical grounds, he did so without costs.

POSITION OF THE DEFENDANTS.

As far as The Publishers' Syndicate are concerned, their position is that they disputed in good faith the exclusive control in Canada by Morang & Co. of Parkman's works, not being satisfied that the copyright claimed was binding. It is stated that they asked Morang & Co. to produce proof of copyright, their contention being that selecting portions or chapters from Parkman, setting these up in Canada, and registering the volume at Ottawa did not constitute exclusive ownership of all the Parkman books in Canada. It was, they contend, owing to Morang & Co.'s refusal to produce any proofs of copyright that importation was continued. The case in court turned, not upon this point, but upon the possession by Morang & Co. of a recent assignment from the heirs of Parkman of the British rights in the books. As this assignment happened not to be registered at Stationers' Hall, London, the judge decided that Morang & Co. could not institute action until it was, although their rights of ownership were undisputed. Copyright did not depend on registration which is not compulsory under the Copyright Act. When this registration takes place by Morang & Co., therefore, it is unlikely that The Publishers' Syndicate or any other Canadian firm will further dispute the right of Morang & Co. to the ownership of the Parkman works.