

*By Mr. MacDonald:*

Q. Does the bill as drawn interfere with such works?

Mr. MARTIN: Yes, I think it does.

The WITNESS: Certain authors made representations to us after the bill had been printed, and pointed out that possibly upon construction of the present wording it might happen. It had never entered our minds that that might be the case, but my friend, Mr. Cuthbert Scott, has been in correspondence with the Canadian Authors' Association, and before this bill is finally dealt with I think that we shall be able to satisfy them, at least I hope to be able to satisfy them, because, if the English language is broad enough, we are willing to do that.

In the second place, I want to endorse emphatically everything Mr. Martin said a moment ago, that it is not the purpose of the present bill to interfere with any litigation past, present or future in the courts, and we are entirely agreeable, if necessary, to have any clause inserted in the bill saying, "nothing herein contained shall affect any litigation or judgment of the courts—"

*By Hon. Mr. Stevens:*

Q. Do you include the future? You said, "past, present or future."—

A. Insofar as a past judgment might have future effect.

*By Mr. Martin:*

Q. So that there will be no mistake, there is not any connection at all between this bill in its present form, or in the form of its proposed amendments, that is in any way affected by the judgment of the Exchequer Court?—A. No, sir.

Q. They are two different matters?—A. Two entirely different matters. That dealt with infringements of certain photostatic copies made by somebody. This arises out of an application made to the Secretary of State on the 28th of April, 1938, and which on the 5th of May, 1938, a month ago, he was obliged to refuse on the ground that under the wording of the present section 14, dealing with compulsory licences, he had no jurisdiction to deal with the matter before him, and was unable to pronounce any judgment upon the merits of the application.

*By Mr. McGeer:*

Q. Who brought the action in the Exchequer Court?—A. It was brought by the Underwriters' Survey Bureau Limited which is owned and controlled by the Canadian Underwriters' Association.

Q. Who was the action against?—A. The action was against Massey and Renwick.

Q. Who are they?—A. They are a non-board or non-tariff company doing business in Toronto.

Q. Are Massey & Renwick, Limited, using photostatic copies of plans owned by the Underwriters' Survey Bureau?—A. The judgment of the Exchequer Court held that Massey & Renwick had bought or procured photostatic copies of these plans.

Q. Owned by?—A. The photostatic copies were made by a company known as the Commercial Reproducing Company, and they were infringements of the copyright of plans owned by the Underwriters' Survey Bureau Limited and the member companies of the Canadian Underwriters' Association.

Q. And Massey & Renwick, Limited company were really producing these plans for the non-tariff companies?—A. No, sir; just for themselves.

Q. But the non-tariff companies were customers of theirs, were they not?—A. No, sir.