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STREET, J.

NOVEMBER 21ST, 1902.

TRIAL.

BLACK v. IMPERIAL BOOK CO.

*Copyright—Infringement — Importation of Foreign Reprints — Title of Plaintiffs—License—Notice to Customs Authorities—Insufficiency of.*

Action to restrain defendants from infringing plaintiffs' copyright in the 9th edition of the Encyclopædia Britannica by the importation by defendants into Canada of copies of the work printed in the United States. The defendants set up that the copyright had been assigned by plaintiffs to the Clarke Co., and that, as this assignment had not been registered at Stationers' Hall, neither plaintiffs nor the Clarke Co. had a right to sue.

Walter Barwick, K.C., and J. H. Moss, for plaintiffs.

S. H. Blake, K.C., for defendant company.

A. Mills, for defendant Hales.

STREET, J.—The agreement with the Clarke Co. was in effect a mere license to publish the work in question for a period which would expire before the expiry of the copyright, and, as there was no assignment of the copyright itself, the plaintiffs had proved a sufficient title.

The defendants also set up that no notice had been given to the customs authorities under sec. 152 of the Imperial Customs Act of 1876 (39 & 40 Vict. ch. 36). This section must be read along with the 17th section of the Imperial Copyright Act of 1842, and must be construed as making it necessary that, before there can be an unlawful importation of a copyright work, notice shall have been given to the Customs shewing the name of the work, the owners of the copyright, and the date of its expiration. The notice of which proof was here offered, which correctly set out the name of the book and the owners of the copyright, but incorrectly stated the date of the expiry of the copyright, as the 30th