

Mr. GUTHRIE: The memorandum which the minister has just read states that the authorities of the Berne convention have intimated so and so. My instructions are that no intimation has ever been given by the authorities of the Berne convention that this act is not in every way acceptable to them. What official, what functionary of the Berne convention sent this communication and what was the communication?

Mr. ROBB: The intimation was made in the official publication of the Berne convention.

Mr. GUTHRIE: I have some information on that, too. The official publication referred to, published an article contributed by a Canadian civil servant, resident here in Ottawa, and that article in what I would call the unofficial organ of the Berne convention is the ground upon which it is now asserted that the act passed by this House in 1921 is not acceptable to the Berne convention. I think the minister should hesitate before accepting an article prepared by a civil servant here in Ottawa as an official communication from the Berne convention that our act is not acceptable.

Mr. ROBB: What evidence has my hon. friend to submit that the information was furnished, as he suggests, by a civil servant in Ottawa?

Mr. GUTHRIE: I am merely stating information that has been supplied to me in connection with this matter. I do not know any more complicated piece of legislation which comes before the House than this same copyright question. As far back as I have been a member of the House and long before I came into the House it has proved a very, very troublesome question. Our first attempt to pass a copyright law was in 1888 or 1889, and at that time difficulties at once arose with the Imperial government. The Imperial Copyright Act had been passed many years before and had application throughout the whole British Empire, and the moment Canada in 1888 or 1889 sought to pass an act of its own it was looked upon by the authorities in Great Britain as an infringement upon Imperial rights, and rather strained relations existed between the Imperial government and this country in regard to copyright legislation at that time. Sir John Thompson was then Minister of Justice of Canada, and he entered into a long correspondence with the Imperial authorities on the subject of copyright. They at first were inclined to deny the right of the parliament of Canada to pass any copyright

[Mr. Robb.]

bill at all, having any application, at all events, outside the Dominion of Canada, and it was not until the year 1910, I think, when the late Hon. Sydney Fisher was Minister of Agriculture in Canada that an agreement was come to between the Imperial authorities and Canada and the other self-governing dominions upon the subject of copyright.

In the meantime we had a Copyright Act. The act passed in 1889 had been carried into the Revised Statutes of 1906, as it stands there to-day. The disagreement continued between the Imperial and Canadian authorities, but when the late Mr. Fisher attended the Imperial Conference, in the year 1910 an arrangement was come to whereby the Imperial government agreed that not only Canada but all the self-governing dominions should be entitled to pass copyright legislation of their own, and the Imperial Act passed in the year 1911, the year following the conference, recognized the rights of all the Dominions to pass copyright legislation of their own. In the Imperial Act it was expressly provided that the Imperial law should not apply to Canada or to the other dominions unless the parliaments of those dominions should specially enact the various clauses of the Imperial Act. If we should re-enact the British clauses and bring our law into conformity with Imperial legislation, then the Imperial government undertook to proclaim our legislation in the London Gazette, and that was held to be sufficient to entitle us to become members of the International Copyright Convention known as the Berne Convention.

Well, the act of the parliament of Canada was passed, and there were some clauses in the act which it was said at the time were not strictly in accordance with the Imperial act and might in some way cause objection to be raised to our becoming parties to the Berne convention. The matter came up in this House on two or three occasions in the last eight or ten years, but notably in the year 1921. At that time Canadian authors claimed, as they claim now, and I have very great sympathy with their claims, that they should have absolute ownership in the literary, dramatic or musical works which they produced or composed. I think there is a great deal of force in that contention. These works are the product of their own brains and the ownership should be in them, but when you come to a question of disposing of those rights, this question arises: The United States is our greatest competitor not only in the matter of publications but in many others which could be mentioned. The United States is not a party to the Berne