

What Section 13 does is to threaten the very practical and mutually beneficial arrangements between American and Canadian book publishing houses, by allowing unknown Canadian printers to disturb existing contracts. The Publishers' Section of the Toronto Board of Trade, which is the most representative body of Canadian book publishers, sent an official delegate to appear before the Committee of the House on the new Copyright Bill and support the repeal of this offending Section 13.

The present Copyright Act with its licensing clauses has been in effect since January, 1924, and a fair number of works of fiction by Canadian and American authors, with a circulation of over 5,000 copies in Canada and therefore liable to the intervention of a marauding licensee printer, have been published simultaneously in the United States and Canada. No license has been applied for because no Canadian book publisher has thought fit to make use of such a method of obtaining business. The only application made was in connection with an American cook book, and the printer who applied for that license did not get the business.

Forty works of fiction written by Canadian authors were published during 1924. Of these six were manufactured in Canada, in each case because there was no market for the book in the United States. Six were manufactured in Great Britain and imported by Canadian publishers who are affiliated with London houses. Twenty-eight were manufactured in the United States under arrangements for simultaneous publication such as have already been described. Had it not been for the lower cost of production permitted by this method of joint publication, most of these twenty-eight books would never have been published at all. One of these books had a spectacular success—"The Divine Lady," by E. Barrington. This was imported by a Canadian book publisher and might have been subjected to application for a license by a rival Canadian book publisher, but such action was not taken as these book publishers are honorable men. It is a question whether any Canadian printer of the type that would apply for a license has sufficient education to appreciate the charm of "The Divine Lady." An American cook book is more in his line.

Serial publication in magazines and newspapers is in a different situation. The publishers of Canadian magazines are not affiliated

with the publishers of American magazines, and the American magazine publishers have been very much less friendly to the Canadian magazine publishers than they might be. In fact the American attitude has inclined to be one of insisting that the Canadian market is part of the American market, whereas the American book publisher, in most cases, recognizes the separate standing of the Canadian book publisher and the Canadian book market. Certain powerful American magazine publishers, such as the Curtis Publishing Company, who publish the "Saturday Evening Post" and the

"Ladies' Home Journal," have insisted on holding the entire serial rights for North America, whether the author is a citizen of Canada or the United States, on the ground that the extent of their circulation in Canada makes it necessary for them to hold these Canadian rights. The "Ladies' Home Journal," for instance, has a circulation in Canada of over 100,000, which is larger than that of any Canadian magazine. The Curtis Publishing Company also claims that owing to the high prices it pays for serial rights it should have a monopoly of these rights, and it forbids the authors to sell what are called "second serial rights" to newspaper syndicates. The Curtis Publishing Company pays exceptionally high prices for its serial rights, but other American magazine publishers are less generous and still claim that "American Serial Rights" includes Canada as well as the United States. Owing to this attitude, Canadian authors, such as Frank Packard, who wish from patriotic reasons, to have their stories printed in Canadian magazines, have till recently found themselves prohibited from doing so, and there has been, in my opinion, more reason in the case of the magazine publishers to invoke some kind of Government protection which would not hold in the case of book publication.

Section 14 of the present Act, which has given to the Canadian magazine publisher the right to apply for serial license, while not completely effective, has been used in particular by "MacLean's Magazine" in such a way that some of the American magazine publishers have come to release Canadian serial publication rights to Canadian magazine publishers of standing rather than submit to the annoyance and expense of fighting the matter.

Thus, if the Editor of "MacLean's Magazine" knows of a story being written for serial publication by Canadians like Frank Packard, Arthur Stringer or Basil King, all popular serial writers who sell largely in the United States, and to the best magazines, he communicates with the Editor of the magazine to whom the manuscript is being offered, and suggests simultaneous publication, stating that under the licensing Clause 14, he could insist upon this, but that he would prefer to make an arrangement in a friendly way. In this manner "MacLean's Magazine" has been able to secure for a Canadian publication, authors who until recently have been forced to sell only to American magazine publishers. It is claimed by the



J. Murray Gibbon

In publishing this article "The Listening Post" says:

"Nobody is better fitted to deal with the vexed question of 'copyright,' which is now before Parliament, than Mr. J. Murray Gibbon, Director of Publicity of the Canadian Pacific Railway.

"His duties with the Canadian Pacific Railway bring him into touch with every section of the community and every phase of our national life, while he is also au fait with the laws that affect copyright in other countries.

"Himself an author, he is one of the mainstays of the Canadian Authors' Association, while he is recognized both in Great Britain and on this Continent as a keen student of literature."