authors and composers on one hand and the phonograph interests on the other. The authors wanted unlimited control over their compositions, and the unrestrained right of bargaining with the makers of records exactly as they now do with music publishers. On the other hand, the phonograph interest wanted a continuation of "free music" as they enjoyed it up to 1924. The copyright law of Canada says to the author " you may withhold your composition from being recorded if you wish, but if you let one company make your record, then you must let every other Canadian manufacturer do the same thing and the rate of royalty the manufacturer shall pay you, must be two cents." The law imposes these conditions of sale upon the author or his representative. By what other law is the property owner so limited in the sale of his property?

In the United States a general practice has developed between the copyright owners and the record manufacturers to allow the mechanical companies to deduct ten per cent from the royalties due. This condition was agreed to by the copyright owners because the United States law imposes the royalty upon the number of records *manufactured* and not on the sale. It was pointed out by the phonograph interests that necessarily more records would be manufactured than would be sold and that a certain amount would be lost and broken in transit, etc. The authors, composers and publishers agreed to the ten per cent reduction as a reasonable proposition.

In Canada, however, the Act reads 'made and sold', so that there is not the same reason for withholding this ten per cent. In the United States, the royalty is on the manufacture, while in Canada, it is on the sale. In view of conditions existing in the record industry and its competition with radio as a means of home entertainment, Canadian publishers agreed to accept the ten per cent deduction even in this country.

We cite this to show that the attitude of the Canadian authors, composers and publishers has been one of moderation and fair play. We have by no means tried to exact the last pound of flesh from any manufacturing industry, but have tried to deal equitably, even generously with the manufacturing interest with whom we are associated.

Here again, we see no reason why any change in the law should be made. Let it work for a few years and if it needs modification, let the Canadian record makers and the Canadian copyright owners, first discuss the matter and see if a mutually satisfactory basis can not be agreed upon before rushing legislation through Parliament on this tremendously important question.

Registration

We recognize the fact that registration cannot be made compulsory in Canada under the present constitution of the Berne convention. However, we believe that any of the added benefits given copyright owners, should as far as possible, be made contingent upon registration at Ottawa, and that no action for infringement may be brought until a copyright has been registered for at least three months. Furthermore, we believe Canada should strongly urge upon the next convention of Berne, the necessity of compulsory registration.

Re-Penalties

It is not reasonable or fair, that penalties for infringement and importation of reprint copies of music should be exacted to the extent that is suggested in this proposed amendment to the Copyright Act, because as we all know, compulsory registration is not a provision of the Act. If it were a provision of the Act, no objection could or would be taken to the proposed amendment, for then a dealer