

DRAFT REPORT ON COPYRIGHT.

The Committee to which was referred the subject of Copyright, with instructions to report to a general meeting of the persons interested in forming a Canadian Society of Authors, begs leave to report as follows :—

Your Committee has carefully considered the various steps taken by the Government of the old Provinces of Canada, as well as by the Dominion Government, with respect to the passage of a Copyright Act, which would meet the views of the Imperial Government, and at the same time be acceptable to authors and publishers in Canada. From the memorandum submitted by the departmental representatives of the Colonial Office, dated 20th May, 1892, it is evident that the Foreign Reprints Act was not satisfactory to the publishers of Great Britain. A perusal of the despatches which passed between Sir John Thompson and the Colonial Office, with regard to the Bill of 1889, also shews that a license for a republication of a British Copyright on the payment of a 10 per cent. royalty was regarded as inadequate and unsatisfactory. Hence the refusal of Her Majesty's assent to Sir John Thompson's Bill. It is not within the province of the Canadian Society of Authors to proffer any opinion on the constitutional questions involved in the conflicting claims of jurisdiction between the British and Dominion Parliaments on the subject of copyright legislation. But we may be permitted to urge that as the aim of both Legislatures alike is the good of Her Majesty's subjects and the enactment of just legislation to that end, it seems possible to attain this practical result without compromising the position of either Government upon the abstract question of jurisdiction. The substance of the legislation being agreed upon, its enactment by either Legislature, or in identical terms by both, will dispense with the ground for controversy on this subject.

If it is to be assumed that Lord Herschell's Bill for consolidating the Copyright Acts of Great Britain represents the policy of the Home Government with regard to Copyright, it becomes evident that such a solution of the Canadian Copyright problem must be looked for as will not antagonize the principle of that Bill. The question that confronts your Committee, therefore, is: Can the Imperial policy in this respect be maintained and at the same time Colonial authors and publishers be permitted to enjoy a reasonable preference in their own markets?

Your Committee is of the opinion that both are possible. Your Committee, therefore, does not recommend any amendment to Lord Herschell's Bill which would exclude any British Copyright from the Canadian market, except with the consent and approval of the author or the holder of the copyright. By virtue of the right of property which an author has in his works, he can sell his copyright to any publisher in any part of the Empire, and conversely any publisher should have the right of purchase and all the privileges which this right implies. But as the law now stands, the sale to a publisher in the United Kingdom carries with it the right of entry to the Canadian market, notwithstanding any contract entered into between the author and the Canadian publisher. Your committee considers this unjust to the Canadian author and publisher, and would therefore respectfully submit, that where an author enters into an arrangement with a Canadian publisher for the copyright and sale of his works in Canada, the Canadian copyright should carry with it the exclusive control of the Canadian market, except as to individual copies of the work which might be imported for the use of Public Free Libraries, Universities or other schools of learning. The