

BOOKS AND NOTIONS

ORGAN OF THE

BOOK, NEWS AND STATIONERY ASSOCIATIONS OF
CANADA.

Subscription, \$1.00 a Year, in Advance.

OFFICE, No. 6 WELLINGTON ST. WEST, TORONTO, ONT.

RATES OF ADVERTISING:

One Page 1 Month	\$25 00	One Page 12 Months	\$250 00
One Column	10 00	One Column	100 00
Half Column	5 00	Half Column	50 00
Quarter Column	3 50	Quarter Column	35 00
Eighth Column	2 00	Eighth Column	18 00

All communications intended for publication must be sent in not later than the 22nd of the month.

ADDRESS BOOKS AND NOTIONS, TORONTO.

Booksellers' and Stationers' Association of Ontario.

PRESIDENT

H. FRED. SHARP, *St. Marys.*

VICE-PRESIDENTS:

J. A. NELLES, *Guelph.*R. S. CORMACK, *Whitby.*

SECRETARY-TREASURER

J. B. MCLEAN, *Toronto.*

EXECUTIVE COMMITTEE:

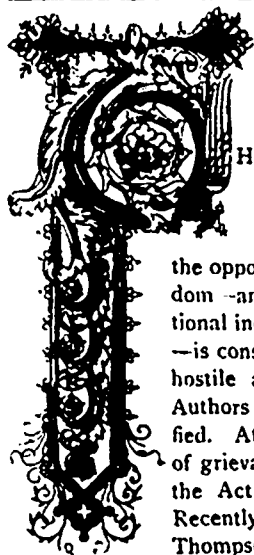
H. DICKENSON, *Woodstock*; DONALD
BAIN, *N.T. Wilson*; A.S. IRVING
and S. WALLACE, *Toronto.*

Official Organ: BOOKS AND NOTIONS, Toronto.

Vol. VII.

TORONTO, JAN., 1891.

No. 1



THE CANADIAN COPYRIGHT ACT OF 1889.

THE proclamation necessary to bring into force the Canadian Copyright Act of 1889, has not yet been authorized by the British Government, but there are indications that the opposition to this measure in the United Kingdom—an opposition based on the alleged constitutional incompetence of Canada to pass such an Act—is considerably weaker than it was. The original hostile attitude of the Incorporated Society of Authors in Great Britain is now very much modified. At the outset, that body denied the existence of grievance, and demanded the disallowance of the Act as ultra vires of Canadian legislation. Recently the Society reported upon Sir John Thompson's statement of the Canadian case, which statement had been referred to it by Lord Knutsford, the Secretary for the Colonies. Its report admits the weight of the reasons in favor of the Canadian Act, criticises it in some respects, notably in regard to the efficiency of the means for collecting the royalty, but does not advise the withholding of her Majesty's sanction. This is an approach to acquiescence, which is chiefly, if not altogether, the result of the full and able review of the Canadian position by Sir John Thompson in his letter to Lord Knutsford. It is to be hoped that nothing further will stand in the way of the Act's being allowed.

**

Under the Canadian Act of 1889, yet in abeyance, copyright is obtainable in this country on condition: First, that the work shall, before publication or production elsewhere or simultaneously therewith, be registered in the office of the Dominion Minister of Agriculture by the author or his legal representatives, and second, that the work shall be printed, published or produced in Canada within one month after publication or production elsewhere. Failing compliance with these conditions, the act empowers the Minister of Agriculture to grant licenses to persons domiciled in Canada to

print and publish the work, though not exclusively, upon their agreeing to pay, and giving security for payment, to the author of a royalty of 10 per cent. on the retail price of each copy issued. This royalty, the officers of the Dominion Inland Revenue would collect and pay over to the author, but the Dominion Government would not be liable to account for any royalty not actually collected. A final provision is made that when such a Canadian license has been granted, and the Canadian demand for the work seems to the Government in council to be met thereby, the Governor-General may by proclamation, prohibit the importation of copies of the work from any country excepting alone the United Kingdom.

**

The paramount object contemplated in the framing of this measure, was the building up of a publishing industry in Canada, an object hitherto greatly hindered by the greed of British copyright monopolists and their partiality to United States publishers of British reprints. If this Act becomes law, the holders of copyright in Great Britain cannot close our presses. They must take out copyright here, at or before the time of publication elsewhere, and they must publish here a month after publishing elsewhere. If they observe these conditions, they will directly contribute to our publishing interests; if they neglect these conditions, the Act authorizes the publication of their work by licensed publishers, who shall pay as excise, 10 per cent. of royalty to the authors. The native publishing interests thus provided for, are further protected by authority to the Governor-General to prohibit importations from other sources than the United Kingdom. The requiring of authors to take out copyright here, brings the Act into collision with the Imperial Copyright Act of 1842, which gives protection throughout the British Empire to the author who takes out copyright in the United Kingdom.

**

The prohibitions of that Imperial Act have prevented this country from attaining to the publishing eminence it should long ago have reached. That measure gave to residents—nominal or actual—admission to copyright privileges on the same absolute terms as it did to subjects of the British Empire. A United States author, consequently, may get his work copyrighted first in his own country, cross over to Canada and tarry there a few days that he may have the claims of a resident of the British Empire, send a few copies of his work to London, take out copyright there, and as publishing has been legally defined to mean not necessarily printing, he can obtain free access to the market of the whole British Empire without printing a book, without employing an artisan in any part of it. This has been done in the past. Then how does the author proceed? He publishes his book in the United States, and sends it into Canada. But because it is copyrighted in the United Kingdom, its publication in the United States makes it a foreign reprint of British work. On such reprint, the second Imperial Copyright Act—that of 1847—requires that a royalty shall be collected by the colonial customs department, and paid to the author of the work reprinted. Thus the United States author invokes a British law, the Act of 1847, and employs the machinery of the Canadian customs department, to collect copyright dues that are secured him by his mere formal compliance with a condition that hardly inconveniences him. Yet the Canadian publisher dare not print the work thus copyrighted in England by the United States author, for the protection given by that right extends over every British colony. The United States publisher may reprint, but the Canadian publisher must not. And for this, no British subject has a similar privilege in the United States.

**

This Act of 1847, called the Foreign Reprints Act, was at the time it was passed a concession of relief to Canadians from ill effects of the Act of 1842. The original copyright law of 1842 forbade the importation of foreign reprints of British works into any part of the British Empire. Since England was the chief producer of books written in the tongue used by her many colonies, this prohibition was necessary to complete the secure monopoly which the Act of