

## CANADIAN COPYRIGHT.

EDITORIALS FROM LEADING DAILY PAPERS.

*From the Globe, Jan. 2, 1899.*

## A COPYRIGHT ACT NEEDED.

Lord Herschell's copyright bill, which will come before the Imperial Parliament at its next session, re-raises the whole subject of colonial copyright. Since the passage of the last copyright act by the Canadian Parliament, an act which was never proclaimed, the situation has changed considerably. There were features of that measure which at least gave occasion for controversy and weakened the Canadian case before the tribunal of public opinion. One of its clauses gave the Canadian publisher a conditional right to publish the work of an English author whether the consent of the latter had been received or not. The fact that the law provided for a remuneration to the owner of the copyright did not deprive it of its confiscatory flavor. While this principle was recognized it was scarcely possible to muster up any enthusiasm in defence of our undoubted rights. We understand that Canadian publishers have no disposition to claim such a privilege now. The main feature of what they now ask is that their rights in any book whose copyright they have purchased from the author, or the agents or publishers entitled to act for him, shall be protected within the limits of the Dominion.

As it is now, our book-publishing houses find that a purchase of the copyright for Canada from any of the British publishing houses is of little or no use to them. The author and his publisher are quite disposed to carry out their contract with the Canadian house, and do not themselves invade this market; but it has been found impossible to prevent jobbers, who ostensibly buy copies of the colonial editions for export to Australia, the Cape or India, from sending them into Canada. There being no law to the contrary, these books compete with the edition published here, for the rights of which the Canadian publisher has paid a good round sum. The publisher's appeal is that, having purchased the right to issue the work in Canada, he should be protected from the invasion of his market by the English jobber, and his appeal is a most reasonable one. If the author and the British publisher had chosen not to sell their rights in Canada, our law would protect them from all comers; but it does not protect the Canadian publisher, although his right is quite as clear and legal. It is worthy of note, too, that while these jobbers' copies can be brought in here to the detriment of his property, he cannot retaliate, for if he sends any of his books to the United Kingdom they are promptly destroyed.

Looked at from the public standpoint, there is every reason why the grievance of our publishers should be removed. It may be said that the right for which they ask is in the nature of a monopoly. But all copyright is a monopoly, and the book-buyer has no more reason to fear the monopoly when it is exercised by a Canadian publisher than when it is exercised by a British publisher. It is true that in the past a book published in Canada usually exhibited most of the disfigurements that can be enumerated in the printer's and book-

binder's arts, but we have indubitable evidence that this will be the case no longer. The Canadian market would not justify the undertaking of the expense of typesetting, but the paper, presswork and binding of some recent books have been wholly Canadian, and do not take a second place to the colonial or any other editions which are intended for this market. If the business of the Canadian paper-maker, pressman and bookbinder can be stimulated without any injustice to the author, the English publisher, and last and most important, the Canadian book-buying public, Parliament should surely have no hesitation in providing the necessary legislation.

There is no reason to anticipate opposition from the British publishers to a bill embodying the principles above referred to. The publisher who prefers to retain this market need not sell the rights of it, as he was practically compelled to do by the former legislation. All that is contemplated is that when he does sell the right here, the purchaser of it shall be protected in his property against all comers. Parliament should not allow a session to go by without dealing with this important subject.

*From the Mail and Empire, Jan. 12, 1899.*

## COPYRIGHT IN CANADA.

The subject of copyright in Canada is pressing itself upon us again by reason of the fact that special colonial editions of works, the copyrights of which for Canada have been sold to Canadian publishers, are sent to the Dominion to displace the editions printed and issued here. For many years a constitutional controversy has been in progress touching the jurisdiction on this copyright question. By the Imperial authorities it has been maintained that an English copyright runs current in all her Majesty's dominions, Canada included, without colonial legislation or special registration. One phase of opinion in Canada has held the contrary view, namely, that when copyright was included in the British North America Act as one of our Federal subjects, it was conceded that we should have exclusive jurisdiction on that matter. This point of difference has not been judicially determined, because no Canadian law assuming jurisdiction has passed beyond its preliminary stages. As a matter of fact, we have deferred to the Imperial decision.

But, while so doing, efforts have been made, notably by Sir John Thompson, to harmonize the Imperial view with the Canadian requirements. We certainly want the right to buy from the English author the copyright of his book in Canada, and to hold the copyright against outside editions, just as the United States publisher has the right to buy and hold the copyright of the same book across the line. It is not a demand for the privilege to pirate British works. Nothing of that kind is proposed or desired. It is rather a proposition that the British author may be able to sell to a new market, which publication in Canada will create, or at all events extend. Sir John Thompson's bill observed the British copyright, but provided that the author might sell to a Canadian publisher, in which event the Canadian edition should rule in the market. It went further, and declared that when the author did not sell to a Canadian publisher the book might be reprinted

in Canada, after due notice, and on condition that a royalty should be paid to the author, or to the party owning the British rights. This project was not approved by the authorities in England, possibly because of the latter provision, and as a result the question has hung fire. But meanwhile new conditions have arisen. Our publishers now buy British copyright works and publish them in Canada. It is a good thing for the authors, for they are paid as they should be for their labor. It is a good thing for the Canadian reading public. We get at a price as low as, and in some cases lower than, the English or United States prices excellent editions of the latest literary productions. It is a good thing for trade. Our printers, bookbinders, and paper-makers participate in the book-producing business. But while the copyright can be bought and the book published, no adequate defence is accorded to our own issues. A Canadian copyright edition cannot be taken into England and sold there. Of this we do not complain. The British publisher has bought his market, and is entitled to it. But although the British publisher is thus protected against any Canadian competitor, the Canadian publisher who has bought the rights for Canada is not protected against the English edition. The British publisher can get out his special and flimsy edition for the colonies, and can flood this market, thus depriving, not the publisher alone, but the allied trades which produce books, of the Canadian market, the copyright in which the Canadian publisher has bought.

The situation is not fair. When the author sells his Canadian rights, the Canadian buyer ought to have them, just as the British or the United States publishers have the rights they purchase. It should not be difficult to legislate upon this question, much in the line of the patent legislation. We are confident it can be done without entrenching upon the copyright principle as laid down either by Imperial law or by treaty. It is a simple matter of retaining the copyright principle, but of recognizing the right of the author to sell and of the Canadian publisher to buy. If the Canadian business is fairly protected it seems probable that we shall have a growing publishing interest for this market. Such an interest, with its various ramifications, would be an advantage for authors on both sides of the ocean, for the reading public, which want cheap and well got-up books, and for the book-making industries.

## ABOUT MORBID BOOKS.

Some libraries conscientiously weed out books which are "discouraging" or "morbidity." A Philadelphia reader protests against this idea. He says: "One man's meat is another man's poison." This saying is old and homely, but none the less true. The duties of a librarian consist entirely of the registration and care of the books, etc.; deciding for adult minds what they shall or shall not read is not one of them. If she wishes to supervise the reading of children, that is another matter, although even then it seems to me to be a matter that can safely be left to the decision of the parents or guardians of those children. Personally I do not care for books that are "discouraging" or "morbidity," but I know many people who do. Such people have surely a right