

No. 11.

COLONIAL OFFICE to FOREIGN OFFICE and BOARD OF TRADE.

[Answered by Nos. 12 and 14.]

SIR,

Downing Street, August 5, 1890.

I AM directed by Lord Knutsford to transmit to you, to be laid before the Marquess of Salisbury, a copy of a memorandum* by Sir J. S. Thompson, Minister of Board of Trade, Justice in Canada, on the subject of the Canadian Copyright Act of 1889.

Lord Knutsford would be glad if the Marquess of Salisbury Board of Trade would take these papers into consideration in connexion with the papers forwarded in the letter from this Department referred to, and favour him with any observations which he they may have to offer on the subject.

I am, &c.

JOHN BRAMSTON.

No. 12.

BOARD OF TRADE to COLONIAL OFFICE.

(Received August 18, 1890.)

[Answered by No. 17.]

Board of Trade (Railway Department), London, S.W.,
August 16, 1890.

SIR,

I AM directed by the Board of Trade to acknowledge the receipt of Mr. Bramston's letter of the 5th instant,† enclosing copy of a memorandum by Sir J. S. Thompson, Minister of Justice in Canada, on the subject of the Canadian Copyright Act, 1889, and asking for the observations of the Board of Trade on the subject.

In reply, I am to state, for the information of Lord Knutsford, that the Board of Trade do not understand that their observations are asked for as to the competency of the Dominion Parliament to pass the Act in question. Upon this point, therefore, they only desire me to say that uniformity of Imperial statute law as regards matters of such Imperial interest as copyright becomes seriously impaired if Colonial Parliaments are enabled to make provisions of special application.

As regards the provisions of the Act under notice, the Board of Trade are of opinion that Clause 1, which makes the printing and publishing or producing in Canada, or the reprinting and republishing or reproducing in Canada, within one month after publication or production elsewhere of a copyrighted work, and also Clause 3, which empowers any person or persons domiciled in Canada to print and publish or to produce the work for which copyright might have been obtained but for the neglect of the person entitled to copyright to take advantage of the provisions of the Act, are both inconsistent with Imperial legislation and with the International Convention.

The Board of Trade freely admit the disadvantages under which publishers in the Dominion suffer in consequence of the action of publishers in the United States. The latter are untrammelled by any international copyright law or treaty, while the Canadian publisher is not free to reprint except with the permission of the holder of the copyright. But it appears to the Board of Trade that the effect of the Canadian Act would be to enable Canadian publishers to take the very course of which strong complaints are made in the case of American publishers, and that it would deter, rather than encourage, the efforts of all those interested in bringing United States law into conformity with Imperial legislation, and in moving the United States Government to join the International Convention.

The Board of Trade cannot anticipate that the ultimate effect of the Act will be for the advantage of Canadian publishers; but, however that may be, they are clearly of opinion that the proposed Act is against the interests of British authors. They believe that the true method of removing the disadvantages of which the Canadian publishers complain is to be sought rather in the amendment of legislation and procedure in the United States than the adoption of such retaliatory action as the proposed Act seems to seek to establish.

* No. 9.

† No. 11.