

A CONFERENCE ON COPYRIGHT.

Proposed Changes in the Law Promoted at a Publishers' Meetings.

A CONFERENCE on copyright was held under the auspices of the booksellers' section of the Toronto Board of Trade, April 10, Mr. W. J. Gage, presiding, and there being present, Messrs. Richard Brown, A. W. Thomas, S. R. Hart, A. W. Briggs, E. S. Caswell, George Spence, J. Emery, J. H. Woods, James Murray, Daniel Rose, Atwell Fleming, D. A. Rose, J. T. Johnston, E. J. Wills and others. Mr. Gage called for the report of the committee, which was presented by Mr. Thomas as follows:

In accordance with the resolution passed at the meeting held on February 26, 1901, this committee has considered the terms of the Act of 1900, and the whole question of copyright, and reports as follows:

The Act of 1900 was the outcome of an agitation to secure the Canadian market for any particular book to a publisher who has purchased the Canadian rights from the copyright owner, and has printed and published the book in the Dominion. The Imperial Copyright Act of 1842, which applies to all parts of the Empire, prohibits the importation of foreign reprints of copyright works into any part of Her Majesty's dominions. In 1847 the Imperial Government passed an Act known as the Foreign Reprints Act, under which a colony was allowed to import reprints of copyright works, on undertaking to collect a certain royalty for the author. From 1850 to 1895 such reprints were allowed to be imported into Canada on payment of a duty of 12½ per cent., which went to the author. In 1895 Canada abandoned the collection of this royalty, and thereby withdrew from the provisions of this Act.

In the Canadian Copyright Act of 1885, chapter 62, it is provided by section 6, that books which have been copyrighted in Great Britain may be subsequently printed and copyrighted in Canada, but "nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of any such work lawfully printed there." Under this clause Canadian publishers were subject to the competition of British publishers, who issued so-called "Colonial Libraries," paper-covered editions of copyright books which were not allowed to be sold in the British Isles, but were issued for sale only in the colonies. In 1889 the Dominion passed a Copyright Act which provided that if the author of a book did not take advantage of Canadian copyright, the Minister of Agriculture could grant a license to any Canadian publisher to reprint such book on payment of a specified royalty, either with or without the consent of the author. This Act was to go into force by the proclamation of the Governor-General, but was never proclaimed.

By the Act of 1900 it is provided that when a book has been copyrighted in Canada, which was previously published in any part of the British Empire, and the owner of the copyright has granted a license to reproduce this book in Canada, the Minister of Agriculture may issue an order prohibiting the importation of any copies of this book from any country, Great Britain included. The Act of 1900 is now actually in operation, the Minister of Agriculture having issued the first order of prohibition on a book entitled "The Lane that had no Turning," by Gilbert Parker. With reference to the terms of the Act of 1900, this committee reports that there are some provisions in the Act which in their opinion are defective. For instance:

1st.—Continuous printing and publication in Canada is not compulsory, and should be made so.
2nd.—The Act provides that "Two copies of any edition of the copyright book may be imported for any public free library, or any university or college library, or for the library of any duly incorporated institution or society. As there are a great many such libraries in Canada, this provision may be

the means of spoiling an important market for the Canadian publisher, and there seems to be no adequate reason for such an exception in view of section 3, which obliges the Canadian publisher to import one copy of any edition of the book for any person.

This committee reports with reference to the proposed amendment to Lord Monkswell's Bill referred to it, as follows: Whereas it is not clear, under section 35 of the Copyright Bill now before the House of Lords, that the Parliament of Canada, desiring to avail itself of the terms of said section 35, would have the option to prohibit importation in case the owner of the copyright chooses to give a license to reproduce here, without also being bound to give protection where the owner of the copyright preferred to give a license to import for sale. We therefore recommend, that the Canadian Government be requested to communicate with the Imperial authorities, asking that the said Lord Monkswell's Bill be so amended as to make it clear that the Canadian Legislature, desiring to prohibit importation in the case of one class of license, may do so without extending a similar or any protection in the case of the other class of license.

This committee recommends: That such amendments should be made to our Copyright Act as shall assure the printing and binding of copyright books in Canada; that we recommend the appointment of a committee to draft the necessary clauses required to produce the desired effect.

ARNOLD W. THOMAS,

Chairman.

MR GAGE ON THE SITUATION.

Mr. Gage explained the purposes of the conference and how the idea of holding it had pressed itself upon him. He had begun to take an active interest in copyright matters over 25 years ago, and about five years ago considered that the prospects of a fair law were good, and when Mr. Hall Caine, on behalf of English authors, and Mr. Dildy, on behalf of English publishers, came to this country and conferred with the various Canadian interests, it looked as if apparently conflicting claims would be arranged to the satisfaction of all. He quoted a letter written by the late Sir James Edgar, in October, 1895, saying that no question which had ever arisen was so completely apart from politics, and that, while British authors would always be fairly treated in Canada, they should remember that it is easier to coax than to drive a community, and that this was a matter better settled in Ottawa than in Downing Street. About the same time an interview with Hall Caine declared that all the main questions of the controversy had been discussed and settled. Besides that, as late as 1898, when Mr. Hall Caine was staying in Toronto, he said that the British authors were in favor of a Canadian copyright law and advised the pushing forward of the draft bill agreed upon during his previous visit. In view of all these things, Mr. Gage continued, when it was brought to his notice that the Monkswell Bill might not protect our bookmaking industry to the extent which

the former agreement had proposed to protect it, he thought the conference between the publishers, booksellers and employing printers would result in good. Hence the present meeting, which he was glad to see so well attended.

DEBATE ON THE REPORT.

An interesting discussion then took place on the above report. Mr. Thomas in moving its adoption, said that he was hardly in accord with the last two recommendations, merely because he did not think them necessary, but had not dissented from them strongly enough to make it worth while to divide the committee. In his opinion the Monkswell Bill gave option to the colonies to legislate as they wished, and, as for the printing section, he was afraid that it would be impossible for us to keep clear of the Imperial Act, which applied to all parts of the Empire. Mr. Briggs, in seconding the report, said that he thought the last clause merely implied continuous printing in order to maintain Canadian copyright, and that there was no intention of proposing anything which would run counter to the Imperial Act.

Mr. Johnston said that the genius of the Copyright Association had always been to acquire full power in Canadian copyright, and, therefore, the resolution was exactly in line with their continued agitation. A discussion then took place as to whether the word, printing, in the suggested amendment, should be changed to press work, as it was press work and not composition which was intended to be provided for. Finally Mr. Murray moved, seconded by Mr. Emery, that the amendment should be amended by the addition of the word, "continuous," before printing, and also after the word "Canada," the following: "In order to retain copyright in the Dominion of Canada." Mr. Thomas accepted the amendment and the report was unanimously agreed to.

An eminent legal gentleman in Toronto had been asked whether the Canadian printing interests would be protected in the Monkswell Bill, and he thought this doubtful, but thought the publishers might claim the Act of 1900 was ultra vires.

Mr. Caswell asked if the clause relating to binding would prevent the binding of superior grades being done out of Canada? For instance, in the Methodist hymnal certain of the expensive bindings had to be done in England, as they could not be done here. Mr. Brown replied that there would be no difficulty, as some editions would always be continuously printed here and bound in Canada, and this would preserve the copyright.

DEPUTATION TO OTTAWA.

The following committee was then