

a statement of the fees which this society proposes to charge for 1939, and in the *Canada Gazette* of January 7 there appears a statement of the fees which have been approved by the appeal board. I ask hon. members if the people generally are not justified in the conclusion that these fees go to the government and not to the society. The government seems to sponsor this private Canadian Performing Right Society as it sponsors no other institution in this dominion. In the *Canada Gazette* of January 5 what do we find? A government notice over the signature of three government officials. That notice tells the public and the users of music in Canada just what they shall do. It tells them that they shall pay this society so much in advance, that they shall make periodical reports to this society, that these reports must contain the number of performances of each sort of instrumental music, that they must say whether that music be afternoon, dinner, evening or otherwise, and that unless they do all these things they will be subject to prosecution for infringement of copyright. I want to ask why. Why should the government sponsor advertising the rates for this private society and pay for the advertisement at the rate of about \$600 in the official *Canada Gazette*? Why should it do so any more than pay for say the advertising and subscription rates of every periodical in Canada? There is no reason under the sun for it.

Then comes the question, to whom are remitted the fees which are collected here? Eighty per cent of the fees collected in Canada are remitted to the picture producers and the film agencies which really make up what are classed as publishers in the American Society of Authors, Composers and Publishers. It all goes to the large picture producers and theatre owners. To them I shall refer in just a moment.

In addition to this payment for advertising—it is trifling, I admit, but why should the people pay for it?—we have the Canadian Broadcasting Corporation paying the society \$35,000 of the taxpayers' money this year. In the last five years they have paid the society nearly \$100,000, and that is just a slight factor in the reason for increasing the radio licence fee from \$2.00 to \$2.50. It does not amount to much, but why under the sun should the people of Canada pay these fees to a society that does not prove its ownership? Somebody slipped.

Take the *Canada Gazette* for January 7 and then look at the amendments to the Copyright Act. Permission is given the society to collect fees and royalties for the use of music which it claims to own, whereas the amendment of last session provides that it may be permitted

[Mr. Esling.]

to collect these fees for music which it does own or in respect of which it has authority to make collections. Anybody can claim anything and that is the trouble with the society. It has been making these claims right along and the government does not realize the imposition. The society claims by assignment the ownership of between two and three million pieces of music. Who knows whether it does own that music or whether there was ownership in the assignors? When an individual or an orchestra or a band is prosecuted for the use of music for which royalty has not been paid, that defendant is compelled to show that the society does not own the copyright. That is an impossible situation. The average man has not the financial ability to prove such a thing as against a corporation that is backed by millions of dollars—and when I say backed by millions of dollars I mean that it is backed by the American society, which is composed of theatre owners and picture producers.

Can any hon. member give one good reason why Canada should continue to be a member of the Berne and subsequent conventions? The United States is not a member. The American Society of Authors, Composers and Publishers is not a member because it finds it to its advantage not to be. Instead, it uses the Canadian society as an instrument for collecting money from the people of Canada in order to fill the purses of the picture producers of the United States. We must not lose sight of the inherent right of the individual to all that is due him under the Copyright Act; but when it comes to a concern acquiring these copyrights for the purpose of creating a monopoly and levying tribute on everyone, then I say the government should intervene. I do ask the government to consider the question of withdrawal from the Berne convention.

I wish now to refer for a moment to the Canada-United States treaty. I do not think anyone is fully qualified to pass judgment on the treaty as a whole until the matter has had a full-dress review in this house, because the opinions that are expressed are governed largely by the way in which the treaty affects each member and the people of his district. So far as West Kootenay is concerned, we have mines and fruit. There is a reduction on zinc going into the United States, but to Canada it means absolutely nothing because Canada is governed by world prices. In the United States the zinc market is self-sustaining and they do not have to worry except for the fact that through the reduction in duties the producer in that country gets that much less. That is on account of the fact that