

Session of the Parliament of Canada to amend the Copyright Act (Chapter 62, Revised Statutes of Canada).

The Committee concur in the said report (annexed) and advise that your Excellency be moved to forward a copy hercof to the Right Honourable the Secretary of State for the Colonies.

All which is respectfully submitted for your Excellency's approval.

JOHN J. MCGEE,
Clerk, Privy Council.

To his Excellency the GOVERNOR-GENERAL IN COUNCIL.

1. In reporting to your Excellency that the Act passed at the last Session of the Parliament of Canada, entitled, "An Act to amend the Copyright Act," (Chapter 62, Revised Statutes) might properly receive your Excellency's assent, the undersigned intimated that the Act would be made the subject of a more extended report, and he now respectfully presents to your Excellency the following observations in pursuance of that intimation :—
2. The Act contains a provision that it shall not come into force until proclaimed by your Excellency, and there was not, and is not, any intention on the part of your Excellency's Government, to advise the issue of a proclamation bringing it, into force until it has been submitted to Her Majesty's Government, with the explanations which your Excellency's advisers can present, and until Her Majesty's Government shall concur in the issue of the proclamation.
3. The concurrence of Her Majesty's Government has been considered necessary because the Act deals with a subject on which Imperial legislation extending to all Her Majesty's possessions now exists, and in respect to which it is not desired by your Excellency's Government that a measure should be adopted which would conflict with the policy which Her Majesty's Government has hitherto pursued excepting in so far as the important interests involved in Canada urgently require, and excepting from a date before which any necessary preliminary arrangements can be concluded in order to prevent confusion and surprise. Moreover, the fact that the Imperial legislation adopting the Berne Convention on the subject of Copyright extends to all Her Majesty's possessions (and must continue to extend to Canada until the expiration of a year from notice of denunciation), makes it necessary that, before the proclamation should be issued, Her Majesty's Government should be asked to give the notice of denunciation on behalf of Canada, and that a year's delay should elapse after that notice, and that before the Act of last Session can be given effect to an Order of Her Majesty's in Council be obtained releasing Canada from the operation of the Statute which makes the Berne Convention operative throughout the Empire. The request on the part of the Government of Canada for the notice of denunciation of the Berne Convention has already been, or is now about to be, transmitted, and the duty of the undersigned is, therefore, limited to an explanation of the reasons which induced the adoption of the Act of last session, and a statement of the principles on which such legislation can, in his view, be sustained.
4. For reasons which will not be dilated on at length in this report, the copyright system heretofore in force (under Imperial and Canadian legislation) has been found to be most unsuitable to Canada and the Berne Convention is found to increase the causes of complaint which previously existed.
5. The copyright law in force in Canada (of which the Act of last session was an amendment) irrespective of the International Copyright Act of 1886, which gives effect to the Berne Convention, consists, as has been intimated, partly of Imperial and partly of Canadian legislation.
6. Under it every work copyrighted in Great Britain had copyright protection without the requirement of publication in Canada. Under the protection of this system United States authors secure copyright in Great Britain and her possessions by publishing in England (sometimes by publishing a limited edition, not intended to supply the market and not sufficient therefore), and thus secure control of the Canadian market, while a Canadian cannot obtain such copyright privileges in the United States.
7. The rights which British authors and publishers have in British possessions under this condition of the law have been greatly abused by the sale of their copyright privileges to American publishers, and their refusal to sell to Canadian publishers on like terms. By this means United States publishers have been enabled to command the Canadian market under the provisions of legislation which were not intended for their benefit, but for the benefit of the British author and publisher. The prices of American reprints are