

dominions, and, if not, that the language of sections 8 and 9 amounted to a declaration by the Imperial Parliament that the provisions of 25 & 26 Vict., c. 68, did so extend. But the judgment points out that the Act of 1886 was passed to extend to authors of literature and artistic works first published in a foreign country copyright in Great Britain in return for copyright extended to British authors in such foreign country, and was not intended to extend the copyright conferred by any previous Act. Rose, J.'s decision was unanimously affirmed by the King's Bench Divisional Court.

There seems, therefore, abundant authority for saying that the law of copyright in artistic works is, at present, governed by the provisions of the Canadian Copyright Act of 1875; which includes original paintings, drawings, statues, sculpture and photographs (*f*); and the British copyright owner who has not brought himself within our Act cannot restrain republication in Canada.

The law is not, however, likely to long remain as above, for sec. 3 of the Monkswell Bill provides: "Save as in this (artistic) Act mentioned, the author of any artistic work *to which this Act applies*, wherever made, whether he is or is not a subject of Her Majesty, shall be entitled throughout Her Majesty's dominions to the copyright of such work for a term beginning with the making thereof and lasting for the life of the author and thirty years after the end of the year in which he dies, and no longer." And s. 15 of that Artistic Bill defines its application as follows: "This Act shall not apply to the artistic works following: Designs as defined by the Patents, Designs and Trade Marks Act, 1883. Save as aforesaid, the expression 'artistic work' means: (1) Any work of painting, drawing, or sculpture, or other artistic process, and (2) Any engraving, etching, print, lithograph, wood cut, photograph, or other work of art produced by any process, mechanical or otherwise, by which impressions or representations of such works can be taken or multiplied."

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(*f*) R.S.C. (1886) c. 62.