

## CANADIAN COPYRIGHT LAWS.

A Toronto Deputation Points Out Flaws to the Minister of Justice—Mr. Mills on the Power of Canada to Legislate.

**A**T a recent meeting of publishers, printers and other allied interests under the auspices of the Booksellers and Stationers' section of the Toronto Board of Trade, with Mr. W. J. Gage presiding, the following resolution was passed, on motion of Mr. John R. Barber, M.P.P., seconded by Mr. H. L. Thompson, president of the Copp, Clark Co.:

Under the Canadian law the owner of a patent in Great Britain or the United States who wishes to retain the control of his patent in Canada, must manufacture and continue to manufacture in this country, while the owner of copyright in a book may set up his type in the United States, print his book on American paper and have it bound by American workmen, send half a dozen bound copies to Stationers' Hall, London, England, register them there, and without expending one cent in this country secure a monopoly of the trade here and supply the Canadian market with American sheets, manufacturing in the United States being essential to secure a copyright in this country.

Among the 20 subjects under the ninety-first section of the British North America Act, to which the exclusive legislative authority of the Parliament of Canada extends, are to be found—(22) Patents of discovery and invention, (23) copy-

right. These two subjects being placed precisely on the same plane by this Act, it seems reasonable to suppose that the Parliament of the Dominion should give the Canadian publisher, papermaker, printer and bookbinder, who are conjointly interested in this industry, an equal chance for a livelihood with those workmen engaged under the patent laws.

The Copyright Act of 1886 failed to receive Imperial sanction and the late Sir John Thompson continued until the time of his death to urge the British Government to give its sanction to said Act, with statements and arguments so conclusive in their character that they called from *The Globe* of April 1898 this tribute:—"The Premier makes his points well and occupies an incontrovertible position so far as the general question is concerned."

In November, 1898, Mr. Hall Caine came to this country the duly accredited representative of the English authors, accompanied by Mr. Daldy, representing the English publishers, and after a conference with the Canadian publishers, papermakers, printers and bookbinders, a draft bill was completed, regarding which Mr. Hall Caine announced to the Canadian Government that an understanding had been reached with the Canadian publishers. It was a compromise, and if the lines suggested were followed would meet with general satisfaction, and Mr. Daldy, on behalf of the English publishers, consented to this draft bill.

This bill has never become law, and the important industries represented by the publishers, papermakers, printers and bookbinders of the Dominion are sacrificed to the interests of the American and English publishers, papermakers, printers and binders, and are still subject to disabilities from which the terms of the British North America Act should have relieved them in the same manner as it relieved those industries working under the Canadian patent laws.

Resolved that the Council of the Toronto Board of Trade be requested to make strong representations to the Dominion Government asking their consideration at an early date of this important question, and respectfully urging them to pass such legislation as will give effect to the draft bill already referred to, making it obligatory that a book shall be printed and bound in this country in order to secure Canadian copyright, and continue to be so printed and bound in order to retain such copyright, and that upon failure to print within Canada within a reasonable time, provision shall be made by which the Government may issue to a Canadian publisher

a license to print in Canada, subject to such safeguards as will secure to the owner of such book a reasonable royalty upon his work.

VIEWES OF HON. D. MILLS.

The above resolution was presented to the Minister of Justice (Hon. D. Mills) at a meeting held in Toronto, January 2, when the following gentlemen were present: A. W. Thomas, H. L. Thompson, W. J. Davis, W. P. Gundy, Geo. Spence, D. A. Rose, Atwell Fleming, S. R. Hart, A. W. Briggs, E. S. Caswell, J. A. Carveth, A. S. Irving, J. Ross Robertson, James Murray, A. F. Rutter, D. Rose, Major Horn, T. G. Wilson, F. J. Campbell.

The Minister of Justice, in replying to the deputation, reviewed the subject of Canadian copyright and pointed out some of the unsatisfactory features in present conditions. When in England last Summer the Colonial Secretary had suggested to him (Mr. Mills) that if Canada prepared a measure and submitted it for approval it might be found that, after all, there was no great difference of opinion as between the British and Canadian interest. To this Mr. Mills had answered that Canadians wished only the control of their own affairs; as strong a voice in regard to copyright and publication as they now possessed in proprietary interests in any other kind of industry, and that they could not admit the right of a British author to make arrangements for publication for their own market and deal with them as if they had no right or voice in the matter. He had pointed out that while the publishers of the United States claimed in the market of Canada all the rights that the Dominion would be ready to concede to publishers or authors in Britain, they were not willing to concede to Canadians similar rights in the United States markets. The Canadian publishers, he had urged, felt that some reciprocal or corresponding arrangement in their interests must be made.

Mr. Mills had also objected to stating a case so that the Judicial Committee of the Privy Council might give a decision in respect to Canada's powers upon copyright. He preferred to place the onus of taking legal action upon the British authors, who could, if they thought their interests injured, attack a Canadian Act in the courts. He had not yet consulted his colleagues on the subject and was speaking solely for himself, but the following course of action had occurred to him as feasible: We might,

for instance, pass an Act leaving the Imperial Government to assume the responsibility of disallowance; or we might treat the law as it now stands as an existing factor, and provide that in all cases where the British author had taken a copyright in the United States, and had also disposed to an American publisher the copyright of his works in Canada, that a high duty should be imposed on all such works imported from the United States. That would practically be saying to them, "If you want our market you have got to deal fairly with us." Of course some readers might object to that, but we have got to make sacrifices in the interests of each other with a view to maintaining our own political authority. It seems to me that if we were to provide, wherever we thought we were being discriminated against or unjustly dealt with, that works so copyrighted with a view to being imported into Canada should be subjected to a high duty, we could compel the British author to deal with Canadians instead of Americans for the Canadian market. (Loud applause.)

Mr. W. P. Gundy, in presenting the resolution to Mr. Mills, said that, in 1900, 250,000 books were imported from the United States into Canada under the head of "fiction, books and sheets," and it was safe to say that 200,000 of these should have been printed in Canada.

A NEWSPAPER PUBLISHER'S VIEW.

Mr. John Ross Robertson was sure that all present would agree with him that they were fortunate in having a Minister so thoroughly Canadian as Mr. Mills' address showed him to be. It was a satisfaction to him to find the booksellers, publishers and stationers at last agreeing with the Copyright Association, which had been ignored by some bodies, as to the wisdom of the draft agreement known as the Hall Caine agreement. The crux of the whole situation was that the English author and publisher had the Canadian bookseller and publisher by the throat, and were prepared to keep their hold until the Canadians exercised their right to legislate in their own interests. Every influence was against the Canadian publisher and bookseller, not only in England and America, but also on the part of some men in Canada. He (Mr. Robertson) was intensely interested in the question. In the past he had been interested in the publication of books, and hoped to be again. Mr. Robertson also expressed the hope that the Government might be able to take steps to provide convenient methods to enable newspaper publishers in Canada to copyright special cables, articles or letters obtained by them at considerable expense.

A vote of thanks was passed to the Minister of Justice.