

COPYRIGHT AMENDMENT BILL

THIRD READING

Hon. Mr. DANDURAND moved the third reading of Bill 55, an Act to amend the Copyright Amendment Act, 1931.

Hon. ARTHUR MARCOTTE: No doubt all honourable members who attended the sitting of the Banking and Commerce Committee Saturday evening were greatly impressed, not only with the arguments of the sponsors of this Bill, but also with the representations made by Hon. Mr. Cahan, formerly Secretary of State, and the present holder of the same office, Hon. Mr. Rinfret. Perhaps most members of the Senate are, like myself, not well informed on this complicated matter of copyright. Until the last few days I had not made any special study of the subject. As we all know, it is a common experience to have important measures come to us near the end of the session, when we have not time to consider them thoroughly. I was struck particularly by the statement of Hon. Mr. Cahan and Hon. Mr. Rinfret that Parliament had the right to pass a law which was apparently in conflict with an international convention to which Canada has adhered. Hon. Mr. Rowell, who appeared on behalf of Canadian writers and composers, had to admit that Parliament had such a right; and I think a similar admission was made by another representative of the authors and composers. But I read the other day in a certain French newspaper an article entitled "Le Droit d'Auteur," which opposed this view. The writer contended that our Copyright Amendment Act of 1931, as well as the present measure, was partially in contravention of the international agreement that Canada had signed. I am not sufficiently familiar with the details of our copyright law to be able to judge whether we were right or wrong in 1931 or whether the Bill now before us is good or bad.

It seems to me that a study of the copyright situation should be made by Parliament. I have no doubt that every one of us is in favour of giving all reasonable protection to our writers and musical composers who have works published. I am confident that we can rest in the assurance that, whether or not our copyright law conflicts with the convention to which we have adhered, the law will be administered by one who is sympathetic towards writers and composers. I refer to the Secretary of State, who is well known not only as a great orator, but also as an able writer. He stands high in his profession of journal-

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ism and has had considerable experience in editing and publishing, in which fields, as was said the other day by my right honourable friend from Eganville (Right Hon. Mr. Graham), a man receives a good training. So we can rest assured that the administration of the Copyright Act is in good hands. Hon. Mr. Rinfret can be depended upon to study all the features of copyright law. I am sure that when he represents Canada at the next international conference on copyright he will be well equipped to protect the rights of Canadian authors and musical composers and of other authors and musical composers whose works are sold in this country.

It seems to me that producers and publishers will have good ground for grievance if we adopt clause number 1, amending section 6 of the Act. It provides that a performance of any musical work by a church, college or fair may be described as "without private profit" if the only fees paid are those paid to individual performers. I have had some personal experience along this line as a director of what we call a church chorale, and I may have been guilty of infringing the rights of producers. I think it is generally agreed that payment of fees should not be required for the performance of musical works at agricultural exhibitions or fairs in small centres; but in the case of the important exhibitions at Toronto, Ottawa and other large centres, it seems to me, there should be no exemption from the provisions of the Bill. For instance, at Toronto a singer of world repute might be paid three or four thousand dollars for two or three concerts, yet he might render songs for which probably the author and composer would not receive one cent. This, it seems to me, would be absolutely unfair. I am not opposing the Bill. However, I would impress upon honourable members of this House and of the House of Commons that we must depend on the honourable Secretary of State, who will administer this legislation, to see that a special study is made of this feature so that full justice may be done.

Hon. Mr. DANDURAND: Honourable senators, I agree with a good deal of what has been said by my honourable friend from Ponteix (Hon. Mr. Marcotte). This Bill was initiated in the other House three or four months ago, yet it has come to us only in the last few days, when we find it impossible to make a careful study of its provisions. I have been told that while it is based on the conclusions of Judge Parker's report, we might well have investigated the general effect of