

hon. friend should argue against the repealing of these clauses, because he himself admits that these clauses take away certain rights which, as he says, belong to the author. My hon. friend has correctly outlined the position which Canada acquired in 1910 in securing the right to make her own copyright. But may I point out to my hon. friend that having obtained those rights we are morally bound to enact such legislation as will enable Canada to comply with the requirements of the Berne convention, because the memorandum I have shows that there a special protocol was required so as to bring about conditions that would enable Canada to join the Berne convention. The Hon. Sydney Fisher agreed that Canada would, on those conditions, join the Berne convention. The commissiонер assures me that there is in the office a despatch from the Imperial authorities intimating that the act as passed in 1921 does not comply with the requirements of the Berne convention, and we are to-day presenting this amendment in order that we may do so. It has probably escaped my hon. friend's memory, but he must have known that that message had come from the Imperial authorities because this act, which we now propose to amend slightly by withdrawing these few clauses, was assented to in June 1921 when my hon. friend was a member of the government, and he continued to be a member of that same government until December of that year. They did not proclaim the act. Although it was assented to by parliament, it never was proclaimed. I think it is fair to assume the government of the day did not proclaim the act because they were advised that it did not conform to the articles of the Berne convention. The only desire we have is to place Canada in the position where our citizens will enjoy rights in all the other countries and to give to the authors the right which my hon. friend says they are entitled to.

Mr. GUTHRIE: When I say that I think the author has very high rights in the matter, I do not say he has absolutely exclusive rights, and when he asks the privilege of copyright, then we can impose such terms on him as we see fit, but I do not think the terms should be burdensome. I do not think they should be onerous at all. I agree that the author has the first right, but when he seeks parliamentary or government favours in the form of authority to publish his works or to sell exclusive rights, then I think we can impose necessary restrictions upon him. It is true the act was passed in June 1921, and at that

time the operation was suspended for this reason: new clauses had been introduced and we were aware of the general law passed in Great Britain in 1911 which provided that if our act were in conformity with the Imperial act the Imperial government would proclaim it in the London Gazette. The London Gazette goes from London to Berne, Switzerland, and is accepted there by the copyright convention. It was natural that we should submit our act to the Imperial authorities before bringing it into force, but I would like to find out definitely what objection the Imperial government has taken to it. The only sections in our act which do not conform to the act of the Imperial government are these license sections. We provide that the author during his lifetime can be compelled to allow publication in Canada on payment to him of the equivalent of what he gets from the American publisher. That is not in the British act, but the British act has another section not approved by the Berne convention. The Imperial act has a provision that if the author dies they can compel his executors to allow publication on payment of royalties, the same as the author received in his lifetime. They have varied the Berne convention, not only in that respect, but in several other respects. The Berne convention deals with copyright where there is simultaneous publication in two countries, and I think every country in the convention, save Great Britain, holds that to be publication on the same day. The British act varies that provision and provides that publication within 12 days shall be considered simultaneous publication in the two countries, and the copyright bureau at Berne has not objected. It is assuming a good deal to suppose that there would be objection to this provision in the Canadian act of 1921. If there is valid objection, I can understand that it is to the interest of Canada to let the clauses go and adhere to the Berne convention. If the objection is merely at the instance of some British publisher, and does not go to the root of the matter, it is not so serious. If it is a vital objection, then it might be proper for us to repeal these clauses and stick to the Berne convention. But I am by no means convinced that these three clauses in question are in conflict at all with the Berne convention. I do not believe they are. I think there is great force in what the publishers and printers say, that this is not a variation of the terms of the Berne convention, and that the Berne convention will accept it; but my suggestion still is that we cannot settle this question in a committee of this kind. Only those who