

*Copyright Act*

that work in Canada on payment to the author of the exact amount which he received for his work in the United States. That arrangement seemed to me to be pretty fair. That is the arrangement, I am informed, which was agreed to in 1921 before the bill was passed.

The United States does not belong to the copyright convention. The United States insists that anybody who gets copyright in that country shall publish there, otherwise you will get no copyright. A Canadian author is therefore in this position: There is a market for his literary work in the shape of 120,000,000 of English speaking people, it is the greatest book-buying population in the world. Naturally the Canadian writer wishes to sell his work and to get copyright in that market. He is bound to have publication there and when he sells the American rights he sells the Canadian rights as well. The American publisher then says "I am not going to publish in Canada, I will publish in the United States," and it has been objected that very often there is no publication in this country. Sometimes it is said that there has not been a supply even of the works of the author in this country. Now, the publishers of Canada ask merely the right to republish in this country on payment to the author of the same amount that he receives from the American publisher. It looks fair to me but the authors do not agree to it. They ask that the bill passed in 1921 be amended in that respect by striking out the four clauses in question. On the other hand the publishers and the printers desire the act passed in 1921 to remain as it is, in order that the book publication and printing be done in this country and, they say, without any loss whatever to the author. That is the case as I understand it.

There is this other point: My view is that we should stick to our act passed in 1921. If the Imperial government has objection to make to that act let us know upon what the objection is based, let us understand what the objection is. I am satisfied that we should allow the act of 1921 to stand or to be proclaimed in the form in which it was then enacted. If objection is taken by the Imperial authorities we will know of it at once. The Prime Minister, I believe, is going to the Imperial conference in October next. He would be in a position then to discuss this matter with the Imperial authorities and see what the foundation of this objection is. The Prime Minister himself happens to be one of the authors of this country, and would be a person specially informed and specially

[Mr. Guthrie.]

qualified to discuss the question with the Imperial authorities.

My suggestion to the minister—and it is only a suggestion—is that he drop his present bill and allow the act passed in 1921, after all parties had agreed to it, to be proclaimed. If the Imperial government objects, and says there is some way we have contravened their jurisdiction, that is a matter for further discussion between the authorities of the Imperial government and the Dominion government. I do not think there is any conflict over the jurisdiction of the Imperial government, or in regard to the rules and regulations of the Berne convention. I think the act passed in 1921 is strictly within our rights. I may be wrong in that, as I do not profess to be any kind of an expert in regard to copyright questions or copyright laws, but I would advise the minister to take one of two courses: either let the bill go to a special committee, and let that committee study the question, or withdraw the bill and let the act of 1921 be proclaimed. It will not take long to have the question settled, because the conference is meeting in October next, and it will probably deal with the matter and settle it. I think it is hopeless to ask the committee of the whole House to consider so intricate and involved a question as this, when I think, on the confession of everybody, including myself, we do not know the real principles at stake. We do not really understand the rules and regulations of the Berne convention or the attitude of the Imperial government, and I think it would be well to have this matter cleared up before the House attempts any further legislation.

Mr. ROBB: In so far as the difference of opinion between the printers, publishers and manufacturers and the authors is concerned, my hon. friend has presented the case fairly. I imagine however that he may not have been in the House that day, or he may have forgotten the arguments when the bill was presented to parliament in 1921. I think I can satisfy him that at that time parliament was not unanimous, and I remember distinctly that the present Prime Minister objected to these particular clauses, along with a number of other members of the committee. If my hon. friend will refer to Hansard of the 25th May, 1921, at page 3846 he will find this reference to the Copyright Act:

Mr. Rinfret: If sections 13, 14 and 15 do not conform to the Berne convention, I should like the minister to state that the government will rather abandon those sections than fail to adhere to the convention.

Mr. Doherty, who was a colleague of my hon. friend and Minister of Justice, and had charge of the bill in the House, then stated: