

THE
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No. 6.

STREET, J.

JANUARY 26TH, 1903.

TRIAL.

BLACK v. IMPERIAL BOOK CO.

Copyright—Foreign Reprints—Notice to Commissioners of Customs.

The judgment delivered 21st November, 1902, 1 O. W. R. 743, was recalled; and judgment was now given holding that sec. 152 of the Imperial Customs Law Consolidation Act, 1876, mentioned in the former report, is not in force in this Province, notwithstanding the expression of opinion of the Commissioners in part iv. of the appendix to volume 3 of the Revised Statutes of Ontario, 1897, to the effect that that section is in force; and that the plaintiffs had established their right to an injunction perpetually restraining the defendants the Imperial Book Company from importing into Canada any copies of the 9th edition of the Encyclopædia Britannica, and for delivery up, and for an account.

Held, also, that the production of a certified copy of the entry in the book of Registry at Stationers' Hall is all that is necessary to make out a prima facie proprietorship in the copyright of an Encyclopædia, under secs. 18 and 19 of the Imperial Copyright Act, 1842, and it is not necessary, for such prima facie case, to prove by direct evidence other than the copy of the entry, the facts which by secs. 18 and 19 are made conditions precedent to the vesting of the copyright in one who is in not the author.

W. Barwick, K.C., and J. H. Moss, for the plaintiffs.

S. H. Blake, K.C., and W. E. Raney, for the defendants the Imperial Book Company.

A. Mills, for the defendant Hales.

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