

*Copyright Act*

for the bureau itself, there cannot be any discussion as to its official status. It will be found in our bill of 1921 in the second schedule which reproduces the revised Berne convention with Articles 21, 22, 23 and 24, recognizing the official authority of the bureau. I will read Article 21:

The international office established under the name of the "Office of the International Union for the Protection of Literary and Artistic Works" shall be maintained.

11 p.m. That office is placed under the high authority of the government of the Swiss Confederation, which regulates its organization and supervises its working.

*Le Droit D'Auteur* is the official organ of the International bureau. It has a correspondent in Ottawa. It was stated in committee that this correspondent was a mere civil servant and it was somewhat implied that we did not have to pay too much attention to his opinion. I do not believe that corresponds with the facts at all. The only duty of that correspondent who is the official correspondent of this paper is to supply the office with documents in order to enable them to pass judgment upon them or to express an opinion over them. Anyway I know for a fact that that is what took place, that the Canadian bill was sent to Berne, was analysed there, and, this paper expressed its opinion as to these contentious clauses. It does not matter much, Mr. Speaker, who happened to write the article; so long as it was printed in this paper it has the full authority of the International bureau.

The opinion expressed by *Le Droit D'Auteur* very plainly was that the license clauses as they passed the House in 1921 came in contravention of the Berne convention. Perhaps I might explain in a word if I do not detain the House too long, what the license clauses are. They are for these purposes: If a Canadian writer chooses to publish his work in another country than Canada the Canadian printer may apply to the minister who has the Copyright branch under his jurisdiction to obtain permission through license to print that work in Canada, providing he gives the author due compensation for the work. That seems very fair at first sight, but the contention of the authors is that they are full masters of their work, that they alone must decide whether they publish in Canada or elsewhere, that they alone must keep the control of the work of their brains. The contention of the printers, on the other hand, is this, that by the authors publishing their work in another country than Canada they do not give to the printing business sufficient encouragement, and that a kind of protectionist measure by the government in

[Mr. Rinfret.]

this way would give a chance to the printers to have their share of the printing of Canadian works.

As far as our connection with the convention of Berne was concerned, we did not have to pass an opinion on the principle of the license clauses. I insist upon that point. All that we have had to do was to obtain an opinion from Berne as to whether we could adhere to the convention and at the same time retain these clauses in the bill of 1921. Last year and again this year I moved a resolution, after taking cognizance of this opinion expressed from Berne, that we should not delay further putting into force the bill of 1921, but that we should drop the license clauses and put the rest of the bill into force. This year a few weeks after that resolution was put on the order paper the Minister of Trade and Commerce brought down a bill to that very same effect, the bill that is now before us for third reading, in which bill there was a clause doing away with the license clauses, and another clause to the effect that the Copyright Bill would be put into force on the 1st day of July. But renewed opposition came from the other side of the House on the ground that no official authority at Berne had expressed an opinion on the matter, and that therefore there was no good reason for the government doing away with the license clauses. I have tried to show previously what the expression by that paper meant, and to what an extent it had an authority which should guide us. I must add that if I am not mistaken, that is the interpretation that has also been given by the Imperial authorities and by the officials of the government at Ottawa. But the minister in order to meet the situation moved an amendment on Friday, which is also in my opinion in full accordance with the requirements of the Berne convention, to the effect that instead of dropping the license clauses they be kept in the bill but should not apply to a British citizen who is not a Canadian or to a citizen of any other country which has adhered to the convention.

A great deal of speculation arose in the House as to the exact meaning of that amendment. As far as I am concerned I must admit myself that it is susceptible of two different interpretations. It may mean that when a Canadian author publishes a book in the United States for instance, that is in a country that has not adhered to the convention, these license clauses may apply; but if he publishes his book in a country which has adhered to the convention the license clauses would not apply. That is one interpretation. But a close