

WE ARE BOUND TO WIN.

CANADA has definitely decided that it is going to have its own Copyright Act, and going to have it right soon. Every leading newspaper in the country has taken up the matter, and the arguments for its enforcement are as various as they are numerous. Some arguments are calm and majestic, others are products of minds which believe the time for that is past.

The Toronto Daily Mail of December 6th has an excellent article showing that copyright is analagous to patent. Canada issues Canadian patents, and hence should issue Canadian copyrights. It says: "Were the suspended Copyright Act a free-booting measure this allegation (that Canada wished to appropriate the product of British brains) might hold good. But, as a matter of fact, the law guards the right of British authors, in that it gives them a Canadian copyright on conditions similar to those laid down in the much applauded Act of the United States, namely, that the works shall be printed and published here. Further, our Act surpasses the United States Act in liberality, in that it does not permit the reprinting of a non-copyrighted work, save upon registration and the payment to the author of a royalty of 10 per cent. of the retail price of the books reproduced. The assertion that the law looks to piracy is therefore unfounded."

An example of the other kind of article referred to is given from The Toronto Evening Star of the same date: "A London, England, publisher, with the nerve only to be expected from that little coterie of Britons who have lately exhibited marked contempt for the rights of 'blawsted colonials,' says that the Copyright Act of 1875 gave Canada all the rights she could reasonably expect."

"This might be the case if Canadians saw with the eyes of this Mr. Marston, but, unfortunately for him, the people of this country are inclined to think that loyalty to the old flag does not require the continued paralysis of the Canadian printing trade because a few English publishing houses and authors prefer to delegate their work to publishers in the United States."

A great many opinions might be quoted, but these will show the tenor of the comments of the Canadian press.

COPYRIGHT IN MONTREAL.

The cable news regarding the action of the British Society of Authors, the Copyright Association and the Printers' Association, in petitioning Lord Ripon, urging a refusal of Canada's request to manage her own business, caused considerable talk among the book-selling trade in Montreal. Every one of the booksellers spoken to by BOOKS AND NOTIONS said they were not surprised at all, and when asked to express an opinion some

of them did so in unmistakable language. They were of one opinion, and that was that Sir John Thompson should insist on our rights and show our British cousins that their cool cheek had no effect. One feature that struck the trade forcibly was the calm and barefaced admission of unwillingness to grant to one of their own colonies the same privileges granted to the United States, a foreign country. The fear that the granting of copyright privileges to Canada would endanger the Anglo-American agreement was simply drawing a herring across the trail. The treaty has been of decided benefit to American publishers and authors, and there was no danger of the United States Government withdrawing it. The operation of the Canadian Copyright Act of 1889 would not affect the control of the United States Government over its own market, and by expressing this fear the Britishers illustrated their utter ignorance of the true position of affairs. In a word, the copyright in the United States would be under precisely the same conditions as at present. No Canadian publisher had any wish to swamp the United States market with cheap editions, and even the wish would be fruitless, for there was no probability of their being able to do so. All they wanted was a fair chance to compete on even terms for their own market, and it is only reasonable that they should have it. There is an old adage, with which our British cousins must be familiar that "every man's house is his castle," and Canadians simply wish to apply this in copyright as they do in other matters.

"PUBLISHERS' WEEKLY" ERRS.

That estimable New York book-paper, The Publishers' Weekly, makes one or two little errors in its very fair article on Canadian copyright.

It says: "The most offensive clause in that Act (1889) provides that a British author may secure copyright in Canada by reprinting his book within thirty days of its English publication; failing to do this, any Canadian may reprint the book on condition of paying 'a royalty of ten per cent. on the retail price of each copy or reproduction.' No adequate provision for the collection of the royalty is made, and the effect of the Act would be to render English copyright in Canada doubtful and precarious."

This is misleading. The book must be registered before or simultaneously with its publication elsewhere, and reprinted within 30 days. But this reprinting does not include the setting up of the type; it may be done from plates. Should this not be done, "Any person or persons domiciled in Canada may obtain from the Minister of Agriculture a license or licenses." This is not a free-booter's country, and hence the Government decides who shall reprint, in order that only reliable firms shall do so.

The latter sentence of the quotation from our contemporary is incorrect when it says no provision is made for collecting the royalty. Section 4 of the Act (52 Vic., c. 29) says: "The royalty provided for in the next preceding section shall be collected by the officers of the Department of Inland Revenue, and paid over to the persons entitled thereto, under regulations approved by the Governor-in-Council." What more could anyone possibly desire? The machinery is absolutely perfect.

The Publishers' Weekly is a fair-minded journal, and, no doubt, it will take an early opportunity to undo any harm its article may have done.

STOP ALL SINGLE COPIES.

MUCH of the complaint against the Customs authorities that United States editions of books and music, which are copyrighted in either Canada or Great Britain, come into this country without paying duty or royalty, would be silenced were the Government, through its post office officials, to stop all single copies of books and music, and send them to the Customs officer.

The post-masters are very lax in their duty in this matter, and yet the great blame must be placed on the heads of the department. If the latter issued complete instructions, these undermining importations could be stopped.

Any private person can secure a copy of a United States reprint of a British copyright novel or musical composition through the post without duty or royalty. But let the retailer or the wholesaler, or even the representative of the holder of the British copyright, or the holder of the Canadian copyright, try to do the same thing, and he is charged full value.

These single copies to private individuals must be stopped. If necessary, have a well-posted inspector visit all the leading postoffices in the country and see that each postmaster is enforcing these laws. The Customs and Postoffice Departments should work in unison in this matter.

Until such an enforcement of our laws is secured, all the copyright agitation is in vain. We feel free to assert that the enforcement of the Customs laws in this country, as far as regards their support of the Copyright laws, is the most complete farce that any legislature could devise, or any set of Customs officials play before an admiring people. This farce is ruining the book jobbers, the music jobbers, the book retailers, the music retailers, and the publishers of both these classes, to say nothing of the money out of which it defrauds the Government and which is placed in the pockets of the people of the United States.

It is about time our Government stopped crying "Canada for the Canadians" and made one or two efforts towards making it a reality. Effort is rather more beneficial in tangible results than words.