

buying the pencils and nobody objects to buying the teachers or paying the teachers—why then should the material—the intellectual material—to be used be in some different category?

Now, you can get into long and very interesting philosophical arguments but I think it is a very simple matter in essence. The other thing is the compulsory licensing in the current Act. There are suggestions that there be compulsory licensing for certain purposes and we are worried about that because of the data-retrieval system to come. Now, if there is compulsory licensing for any material...

Senator Prowse: By compulsory—would you explain what compulsory licensing is?

Mr. Gray: Well, as I understand it compulsory licensing—it means that under certain circumstances and at certain times your material can be...

Senator Prowse: It will force me to release my material?

Mr. Gray: Yes, or allow it be used in a certain way.

Senator Prowse: Yes.

Mr. Gray: If for example, there is a compulsory licensing system which allows that material to be inserted in a computer or a data-retrieval system without the permission of the copyright owner, who ever he may be, then you are in real trouble because once it is in I don't think you can really control it.

Senator Prowse: Once that data retrieval system gets into something with a satellite on top of it.

Mr. Gray: That's right, senator.

The Chairman: Mr. Knight?

Mr. Knight: We are concerned also in another area of copyright. We haven't spoken publicly on this yet, but we will be doing so in the near future and that is in relationship to the Rome Convention of Neighbouring Rights which has the effect of granting some degree of copyright protection to a performer by a performer. Not the written words which is being performed but...

Senator Prowse: But to the performance itself?

Mr. Knight: Yes, to the performance itself. This is protected separately in Great Britain under the Performers Protection Act.

The Chairman: I am not sure that I understand what you mean.

Mr. Knight: You see, there are two kinds of copyright. Written work of the poem can be protected and my reading of the poem has at this moment in Canadian law not been protected but it is protected by an International Copyright Act known as the Rome Convention of Neighbouring Rights.

The Chairman: Well, I am sure your reading would be worth protecting.

Mr. Fortier?

Mr. Fortier: As you probably know there is a reference in the Copyright Act to performing rights.

Mr. Knight: Yes, performing rights but it is the performance of his written work, not my performance of his written work that is being protected by the Copyright Act at the moment. There is a difference. If I may explain: our concern about it at the moment is that a little Japanese machine which is being largely distributed amongst educational outlets in Canada at the moment and in various other areas. It is a half-inch video-tape recorder which you can buy for as little as \$800.00. You can attach it to your television set and you can record anything that comes over on half-inch tape. You can replay this and many of the educational authorities in Canada at the moment are doing just that. They are keeping the television sets on constantly, recording everything that is coming in that is of any value to them and then playing it back and distributing it amongst large areas of school boards and that sort of thing. We are very concerned about this because this is completely outside of any contractual arrangements which we have with the broadcasters. Yet, quite obviously, we cannot hold the broadcaster responsible for it, since it is no act of his that is causing this distribution. So it is this that we are looking at at the moment. We haven't come to any final conclusions about it but we are very much concerned about it.

Mr. Fortier: Senator Prowse has just put a copy of the Copyright Act before me. It indicates that the musical performer is protected in cases of literary, dramatic, or musical work, any record, perforated roll, cinematograph film, or other contrivance.

Mr. Gray: Yes.