

The Colonies justly complained that under this Act a work which was published in a Colony had no copyright in the United Kingdom, or in any other Colony, but this grievance has been removed by the Act of 1886; a work published in a Colony now enjoys precisely the same protection as one first published in the United Kingdom.

III.—*Canadian Copyright as it exists at present.*

It was a common complaint of the Colonies, especially of Canada, that, owing to the operation of the Imperial Copyright Act, they were unable to obtain a sufficient supply of English literature. In order to remove this ground of complaint the Foreign Reprints Act was passed, and under its provisions Canada has been allowed to import pirated copies of English works on the undertaking that a duty of 12½ per cent. should be collected by the Colony upon all such copies for the benefit of the author.

As a matter of fact, the duty has not been collected, nor has any serious attempt been made by Canada to comply with the undertaking.

In 1875 an Act was passed in Canada giving Copyright to foreign authors upon conditions of their re-publishing in the Colony, either simultaneously with, or at any time after, publication elsewhere. This Canadian Act was expressly authorised by an Act of the Imperial Legislature, and therefore the Canada printers and publishers contended that the Imperial Copyright Act was repealed so far as Canada was concerned, and that English authors could only obtain Copyright in Canada upon complying with the conditions of the Canadian Act.

This contention was, however, decisively negated by the Canadian Courts, in the case of *Smiles v. Belford*, and the position therefore at present is that English authors are only obliged to republish in Canada if they wish to avoid the operation of the Foreign Reprints Act.

IV.—*Canada's present Proposals.*

The Canadian Copyright Act, passed by Colonial legislature in 1889, but reserved for the sanction of the Imperial Government, provides that in order to obtain Copyright in Canada works must be registered with the Minister of Agriculture before or simultaneously with their first publication, wherever such publication takes place, and must be reprinted and republished in Canada within one month of their publication elsewhere, and (2) that if the author does not comply with these conditions, the Minister may grant licenses for the publication of the work, the licensee paying a royalty of 10 per cent. for the benefit of the author. This Act is promoted solely by, and in the interests of, the Canadian printers and publishers, who claim to have the right to make a profit out of the works of English authors.

The following are some of the reasons why the Act should not come into force:

1. It is reactionary and contrary to the principle adopted by this country, after full consideration, in consenting to the Berne Convention. It would of course deprive the Canadian author of the benefit of that Convention.

2. It is an attempt to deprive authors of their recognized rights for the benefit of the Canadian printers and publishers.

3. It is (except from the view of the printer and publisher) entirely unnecessary. The Canadian reader is amply provided for under the Foreign Reprints Act.

4. It will involve the repeal, so far as British authors are concerned, of the United States Copyright Act, 1891, and the revival of legalised piracy in that country.

5. If it should by any chance accomplish its object, the actions of the Canadians will thus recoil on their own heads. Canada will again be flooded by pirated copies printed in the United States, and the last condition of the Canadian printers and publishers will be far worse than the first. The shortsightedness of the Canadian policy is almost incredible. It will involve the flooding of English and other markets with cheap reprints, to the great detriment of publishers who have to pay a fair price for the works they publish. It has been proved over and over again that legislation is powerless to prevent the importation of these cheap reprints.

6. Having regard to the entire failure of Canada to collect the duties under the Foreign Reprints Act, there is no security whatever that authors will receive even the 10 per cent. royalty provided by the Act.