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*COPYRIGHT IN CERTAIN ARTISTIC WORKS.*

The Imperial Legislation on the subject of artistic copyright is very voluminous. One finds no less than ten statutes, covering a period extending from 1734 to 1886. As Lord Thring observes in his memorandum to the Monkswell Bill, "the statutes are so confusing that it is useless to enter into their details," and accordingly, he summarizes the result of the legislation by dividing artistic copyright into three classes: (1) Engravings and prints; (2) Sculpture; (3) Paintings and photographs.

In respect of these classes, the question arises as to the application of the Imperial legislation to Canada. Mr. S. E. Dawson makes a remark (*b*) which throws some light on this matter. He says that the publishers of engravings and prints were so well satisfied with the state of the law as it was that they declined any interest in Imperial legislation so far as Canada is concerned, and consequently, engravings and prints are not protected from republication in Canada. Mr. Dawson does not further consider or explain his statement, however, and so it appears necessary to study the authorities on the point.

From the preamble to the Act, 25 & 26 Vict., c. 68, entitled an Act for amending the law relating to Copyright in Works of Fine Art, etc., we learn that "by law as now established (1862) the authors of paintings, drawings and photographs have no copyright in their works, and it is expedient that the laws should in that respect be amended."

The first section of the Act then proceeds to provide for the reservation, by agreement in writing, of the sole and exclusive right of copying, engraving, reproducing, and multiplying such painting, drawing, and the design thereof.

In the action of *Graves v. Gorrie*, 32 O.R. 266 (now pending in the Court of Appeal), our Courts have been called upon to determine whether the copyright conferred by the Act we are considering is confined to Great Britain, or whether it extended throughout the British Dominions. Briefly, the facts of that case are as follows:—

Henry Graves & Co., Limited, art publishers of London, England, moved for an injunction to restrain one George T. Gorrie

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(b) Law of Copyright in Books, p. 15.