

Copyrights and Trade Marks.—The first Canadian Copyright Act was passed by the Legislature of Lower Canada in 1832. This Act was repealed and replaced by an Act of the Province of Canada relating to copyright, passed in 1841 (4-5 Vict., c. 61), allowing copyright to any resident of the province on depositing with the Provincial Registrar a copy of the work and printing in the work a notice of the entry. In 1842 an Imperial Act (5-6 Vict., c. 45), gave to a work first published in the United Kingdom protection throughout the Empire. As at that time the United States had no agreement with the United Kingdom as to copyrights, United States publishers reprinted in cheap editions books copyrighted in the United Kingdom, and many such books naturally found their way into Canada. By the Foreign Reprints Act of 1847 (10-11 Vict., c. 95), the Imperial Government made it possible for Canadians to secure these cheap editions on making provisions safeguarding the rights of the British authors. This was done by Canada in 1850 by an "Act to impose a Duty on Foreign Reprints of British Copyright Works" (13-14 Vict., c. 6), and the duty so imposed was continued by the first Dominion Act of 1868 (31 Vict., cc. 54 and 56), the latter Act authorizing the Governor in Council to impose a duty not exceeding 20 p.c. *ad valorem* on such reprints and to distribute the proceeds among the owners of the copyrights.

By the B.N.A. Act, exclusive legislative authority in matters of copyright was assigned to the Dominion Parliament. In 1875 an Act was passed (38 Vict., c. 88), allowing a copyright for 28 years to persons domiciled in Canada or in any British possession, or who, being citizens of any country having an international copyright agreement with the United Kingdom, had registered their claims and complied with the usual conditions.

In 1886 an International Copyright Act (49-50 Vict., c. 33), was passed by the Imperial Parliament, giving to the Crown the right to accede to the Berne Convention. As Canada thus became a member of the Berne Convention, with the privilege of withdrawal, books published in Canada by Canadians secured the same privileges as books published first in the United Kingdom, an author of any country subscribing to the Convention obtaining, in any other country in the union, the same rights as an author of that country. An Imperial Act of 1911 set forth general copyright regulations for the Empire.

The Copyright Act of 1921 (amended in 1923 and consolidated in c. 32, R.S.C., 1927) sets out in section 4 the qualifications for a copyright and in section 5, its duration. "Copyrights shall subsist in Canada.....in every original literary, dramatic, musical and artistic work, if the author was, at the date of the making of the work, a British subject, a citizen or subject of a foreign country which has adhered to the (Berne) Convention and the Additional Protocol.....or resident within His Majesty's Dominions. The term for which the copyright shall subsist shall, except as otherwise expressly provided by this Act, be the life of the author and a period of fifty years after his death".

Copyright protection is extended to records, perforated rolls, cinematographic films and other contrivances by means of which a work may be mechanically performed. The intention of the Act is to enable Canadian authors to obtain full copyright protection throughout all parts of His Majesty's Dominions, foreign countries of the Copyright Union, and the United States of America, as well as in Canada.

The Trade Marks Act (c. 201, R.S.C., 1927), was amended by c. 10 of the Statutes of 1928, giving the Minister the right to refuse to register trade marks in