

92543

**A Memorandum from the Authors' and Composers'
Association of Canada, urging the adoption
by Canada of the British Copyright
Act of 1911.**

Realizing the need of a national sentiment in Canadian songs, the lyric writers and composers of Canada have been organized into the Authors' and Composers' Association of Canada. The object of this association is to raise the standard of Canadian songs and to protect Canadian authors and composers.

This Association feels that Canadian writers are suffering a severe injustice under the present Copyright Act.

Since that Copyright Act was made, new ways of disseminating ideas have arisen. To-day moving pictures and phonographs bring the writer's thought to millions that before depended entirely upon the printed page.

The Copyright Act of Canada at present gives no protection against the reproduction of an author's work by moving pictures, or the composer's work by means of phonograph records and music rolls.

At the present time phonograph companies and player roll manufacturers are reproducing songs by Canadian writers without the payment of any royalty whatever. The British Copyright Act of 1911 calls for the payment to the owner of the copyright of 5% of the retail price of each record or roll sold; and the American Act of 1909 also stipulates a royalty payment.

Music publishers have found that practically all the net profits of the music publishing business come from this source. They refuse to accept a song which does not carry these mechanical rights.

Many Canadian songs have recently become popular, even in the United States. Lieut. Gitz Rice, a member of the 5th Canadian Field Battery of Montreal, is possibly the most popular song-writer in the United States to-day. He has travelled through many of the big cities in the United States as the star of a play called "Getting Together," which was under the direction of the British Recruiting Mission. Naturally his songs have had a very wide sale, but he is under a severe handicap, owing to the fact that as a Canadian he has no mechanical rights either in Canada or the United States.

The Authors' and Composers' Association of Canada... the purpose of this Association is to control the reproduction of the works of its members... the musical works of its members... shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights.

The United States citizens are now refusing to consider a song by a Canadian writer on account of the fact that they cannot collect any mechanical royalties under their copyright act, because Canada has no such provision in her Act.

Leut. Gitz Hays is a Canadian and a member of the Authors' and Composers' Association. Mr. Robert Service is also a Canadian whose lyrics are being set to music and he too is being very greatly handicapped by our present Copyright Act. Mr. Albert E. McNutt of St. John, N.B., who wrote "We'll Never Let the Old Flag Fall," is a Canadian. Mr. Morris Manley of Toronto, Ontario, wrote "Good Luck to the Boys of the Allies," etc. Mr. Gordon V. Thompson of Toronto, wrote "When Your Boy Comes Back to You," "When We Wind Up The Watch On The Rhine," and over a dozen other patriotic songs. Miss Irene Humble wrote "We're From Canada." Miss Marjorie Bruce wrote "Knitting." Mr. Will J. White wrote "Home Again." All these songs have been reproduced by phonograph and player-piano companies in Canada and the United States without the payment of royalties.

A similar situation exists with regard to the Moving Picture rights. The author of a Canadian book cannot prevent the moving picture companies from reproducing his ideas on film without any payment of royalties.

The fact that Great Britain and the United States as well as practically every other country in the civilized world have realized the necessity of bringing their copyright acts up to date to cover these new methods of mechanical reproduction affords sufficient proof of the need of immediate action along similar lines in Canada.

Canadian authors and composers have rendered great service in maintaining the morale of the soldiers at the front and the citizens at home, by their literary and musical works. The following letters written to the president of this Association are evidence of that fact:

"Dear Mr. Thompson:

I am dropping you this note to express my conviction regarding the value of music and songs to the colored men. In the Y.M.C.A. service to the soldiers, we find the song-service one of the most popular features in which the men engage spontaneously with great enthusiasm. In winter barracks, summer camps, troop trains, transports, dug-outs and trenches, the folk-songs and popular airs, are, as much as any other single feature, the means of keeping up the good cheer and sustaining the morale of the soldiers.

I know that as a writer you are doing your 'bit' at this time in a very real way to help win the war.

With all good wishes for your success,
Very sincerely yours,
(Signed) JOHN BROWN, Jr.,
General Supervisor Military Work, The National Council of Young Men's Christian Association, Toronto."

"Dear Sir:

Replying to your communication, I would say that in my opinion the importance of music to a nation at war cannot be over emphasized. Music has always contributed greatly in sustaining the morale of both soldiers and civilians.

In this connection I am firmly convinced that it is the duty of our Government, through its copyright laws to protect the work of native composers who have 'done their bit' in providing our soldiers and our citizens generally with music of a stimulating and inspiring nature since the outbreak of the present war.

Believe me,
Very truly yours,
(Signed) A. S. VOGT,
Toronto Conservatory of Music."

This association feels that the Government should, at the coming Session, adopt the British Copyright Act of 1911 and thus rectify these wrongs and counteract the present tendency of conditions to drive Canadian Authors and Composers to the United States where they can secure protection.

Signed on behalf of the Authors' and Composers' Association by:
G. A. WARBURTON, Hon. President.
GORDON V. THOMPSON, President.
ERNEST R. BOWLES, Vice-President.
IRENE HUMBLE, Secretary.

92544

Ottawa, Ont., January 5th, 1913

My dear Deberry,-

You may perhaps remember the memorial of the Incorporated Society of Authors which was forwarded to us some time ago and which placed before us certain representations with regard to the Copyright Act. I trust you will bear these representations in mind when the subject comes to be dealt with as the memorial emanated from a very influential body whose request deserves careful and reasonable consideration.

Yours faithfully,

Hon. G. J. Deberry, K.C.

Minister of Justice,

Ottawa, Ont.

92545

Ottawa, Ont., 9th January 1913

My dear Burrell:-

You may perhaps remember the memorial of the Incorporated Society of Authors which was forwarded to us some time ago and which placed before us certain representations with regard to the Copyright Act. I trust you will bear these representations in mind when the subject comes to be dealt with as the memorial emanated from a very influential body whose request deserves careful and reasonable consideration.

Yours faithfully,

Honourable M. Burrell, M.P.

Minister of Agriculture,

Ottawa, Ont.,

98546

Ottawa, August 24th, 1912.

W.D.

Dear Mr. Borden,

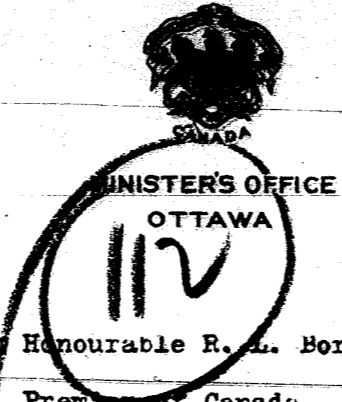
I have your note of the 6th.
instant re the memorial of the Incorporated Society
of Authors with regard to the Copyright Act. The
matter has not escaped my attention.

Yours very sincerely,

W.D. Healy

The Honourable R.L. Borden,
Prime Minister,
Ottawa.

92547



Jan. 10th., 1913.

The Right Honourable R. L. Borden,
Premier of Canada,
Ottawa, Ont.

Dear Mr. Borden:-

In reply to your note of the 9th instant in re. the memorial of the Incorporated Society of Authors, I may say that this matter has been in Judge Doherty's hands and I have discussed it with him once or twice. The representations of this society will certainly be given every consideration. The matter seems to be a rather complicated one, but I suppose it ought to be dealt with this Session. I will see Mr. Doherty again.

Yours faithfully,
M. A. Munnell

TO

The Right Honourable Robert Laird Borden, P.C., M.P.
Premier of the Dominion of Canada.

Sir,

The undersigned members of the Incorporated Society of Authors, a body representing over two thousand holders of copyright property - understand that the introduction of a Copyright Bill may be one of the earliest measures undertaken by the Canadian Government. We wish to bring to your notice certain points in this connection, as the Canadian Market is, in many cases, a valuable one to English copyright holders, while Imperial and International copyright is of the utmost importance, we think, to the development of Canadian literature.

1. We suggest that the Canadian Parliament should adopt the British Copyright Act of 1911 either as a whole, or in great part, in order to maintain uniformity of treatment of copyright property throughout the Empire. We feel that if the Canadian Dominion leads the way here the other self-governing Dominions might follow the example.

2. If the Canadian Government found such a course impossible, we suggest that the Bill be drafted in such a form as to enable Canada to become a Member of the Berlin Convention, thus obtaining for the Dominion, a place (at the Convention) among the other civilised nations of the world, and International copyright for the Canadian author while helping to secure Imperial copyright for all subjects of the Empire.

3. If both the above courses are found to be impracticable then we desire to urge strongly that copyright throughout the Empire should remain intact; i.e. that without registration, and without a type-setting clause or other technicalities, authors, who are citizens of Great Britain, Her Colonies and Dependencies,

should

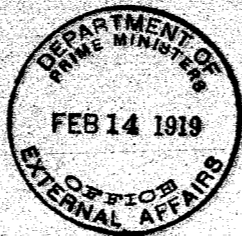
Authors and Composers' Association of Canada

OFFICERS

G. A. HARRINGTON, NON-PRES.
GORDON V. THOMPSON, PRES.
ERNEST R. HUNBLE, VICE-PRES.
MISS HELEN HUMBLE, SECY-TREAS.
1405A GROVE AVE.
TORONTO.

EXECUTIVE

WILL J. WHITE
JOHN STRATHDEE
JULES BRAZIL
B.H. BARRON
MORRIS HANLEY



92567

February 12th, 1919.

Toronto.

Rt. Hon. Sir Robert L. Borden, M.P.,
Ottawa, Ont.

Dear Sir:-

Now that the war is over the Authors' and Composers' Association feels itself justified in asking the coming Parliament to adopt the British Copyright Act and thus give the Canadian writers and artists protection equal to that afforded writers of the rest of the British Empire and the United States.

With that end in view the enclosed memorandum has been forwarded to the Cabinet. It sets forth one very grave injustice Canadian writers are suffering under the present Copyright Act with regard to phonograph and moving picture reproduction. The article by John H. Moss, K. C., reproduced from the University Magazine, gives a brief history of Canadian copyright.

May we count on you to use your influence to correct these wrongs so that Canada's writers may compete equally with those of other countries?

Faithfully yours,

Gordon V. Thompson

President.

Ernest Humble

Secretary.

EXECUTIVE
WILL J. WHITE
JOHN STRATHDEE
JULES BRAZIL
S.H. BARROW
MORRIS HANLEY

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February 12th, 1919.

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W. Thompson

President.

Humble

Secretary.

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92568

Ottawa, February 14, 1919.

Dear Madam,

In the absence of Sir Robert Borden
at the Peace Conference I have the honor to acknowledge
your letter of February 12th transmitting a memorandum
of the Authors' and Composers' Association of Canada
urging the adoption of the British Copyright Act.

Careful consideration will be accorded
this suggestion.

Yours very truly,

Prime Minister's Secretary.

Miss Irene Humble,
Secy., Authors' and Composers' Assn. of Canada,
Toronto, Ont.

Personal.

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