

MEMORANDUM

FILE NO.
No DE DOSSIER

DATE October 9, 1962.

FROM COMMISSIONER OF PATENTS

To Mr. C.V. Cole, Legal Division,
Department of External Affairs

Re: Copyright relations between
Canada and United States

Please refer to your letters of October 3 and 5, 1962 and enclosures to me.

The article from the Financial Post dated September 15, 1962 states the facts correctly although the wording is a bit harsh.

The note from The Embassy in Washington is also accurate except for the figure of "2500 copies" in line 2. It should read "1500 copies".

Negotiation with the United States Government to make the application of the U.C.C. provisions retroactive to works published prior to August 10, 1962 and exempt them from the manufacturing clause would be of no avail. You recall that a couple of years ago we tried it unofficially and we got nowhere.

So far as retaliating, I do not see how we could do it legally at this time. Prior to August 10, 1962 we gave the U.S. works protection pursuant to our 1923 bilateral agreement with the United States and we cannot renege such contract.

The United States are applying their law on works published in point of time, that is according to the requirements in force at the time of publication.

Retaliation is impossible and negotiation to bring about retroactivity of effect of U.C.C. would mean a major amendment to the U.S. law which would have to be applied to all the U.C.C. member countries.

J.W.T. Michel
J.W.T. Michel

SEEN BY THE MINISTER

3/2/61

CONFIDENTIAL

Ottawa, February 1, 1961

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MEMORANDUM FOR THE MINISTER

Canadian Ratification of Universal
Copyright Convention

You will find attached for your approval and signature a memorandum to the Cabinet prepared on your instructions recommending that the amendments to the Copyright Act, which are the prerequisite of Canadian ratification of the Universal Copyright Convention, be introduced at the current session of Parliament, and that this Convention be ratified after the Act has been amended. We did not attempt to clear this memorandum with the Department of the Secretary of State because of that Department's opposition to the proposed course but they have been informed that a memorandum recommending ratification of the Convention has been prepared in this Department for consideration by the Cabinet.

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CONFIDENTIAL

THIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADA

MEMORANDUM TO CABINET

Canadian Ratification of Universal Copyright Convention

Canada signed the Universal Copyright Convention when it was first open for signature after the Geneva Conference of 1952. However, Canada has not yet ratified the Convention and therefore cannot enjoy its benefits. The United States, the United Kingdom, France and many other countries have now ratified it.

2. The fact that Canada has not ratified this Convention gives rise to a serious and costly difficulty with respect to the sale of Canadian books in the United States. United States copyright law contains a "manufacturing clause" under which a book must be printed in the United States if it is to be covered by copyright in the United States. An "interim copyright" can be obtained in the United States for a book printed in Canada, but only for five years, and provided not more than 1,500 copies are imported into the United States. This acts as a powerful deterrent to having a book printed in Canada, particularly if there is an expectation for a sizeable sale in the United States. There is in practice no similar impediment to sale of United States books in Canada.

3. This problem has been vigorously explained to the Royal Commission on Publications by a number of spokesmen for Canadian publishing firms, and all have urged that Canada



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ratify the Universal Copyright Convention as soon as possible, because, under the terms of the Convention, the United States is not able to invoke its manufacturing clause with respect to works published in other countries which have also ratified the Convention.

4. The reason Canada has not yet ratified, although this was recommended in 1957 by the Royal Commission on Patents, Copyright and Industrial Design is apparently that the Canadian Copyright Act requires certain amendments before Canada can be in a position to fulfill its obligations under the Convention. The Convention stipulates that no country can ratify until it is in a position, under its domestic law, to live up to the Convention.

5. I understand that the work of revising the Canadian Copyright Act is now going ahead in the responsible Department, but that a complete revision of the whole Act is being undertaken and that this may take at least one and a half years, possibly two or three years, to complete. In the meantime serious hardship is being caused Canadian publishers, a fact that will in all probability be emphasized in the report of the Royal Commission on Publications.

6. As an alternative to ratification of the Universal Copyright Convention, pending revision of the Canadian Copyright Act, there was a suggestion that we ask the United States to agree to waive its manufacturing clause with respect to Canada. As was not unexpected, the United States has replied that this would not be possible without a change in their law.

Such a change might be very difficult to obtain, and the United States authorities indicated that in their view the most reasonable solution was for Canada to expedite its ratification of the Universal Copyright Convention.

7. I therefore recommend that, as a matter of urgency, the Department having responsibility for copyright matters prepare for presentation to Parliament at its present session, those particular amendments to the Copyright Act which are essential if Canada is to be in a position to ratify the Universal Copyright Convention. I also recommend that as soon as the Canadian Copyright Act has been so amended the Secretary of State for External Affairs be authorized to seek from the Governor General in Council the necessary authority to ratify the Universal Copyright Convention.

Original Signed by
H. C. GREEN

Secretary of State
for External Affairs

OTTAWA, February 1, 1961.

CONFIDENTIALTHIS DOCUMENT IS THE PROPERTY OF THE GOVERNMENT OF CANADAMEMORANDUM TO CABINETCanadian Ratification of Universal Copyright Convention

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Hayden

Secretary of State
for External Affairs

OTTAWA, February 1, 1961.

Y OF ARTICLE FROM "FINANCIAL POST" DATED SEPTEMBER 15/62)

RETALIATE OR NEGOTIATE

Canada's belated ratification of the 1955 copyright agreement will, as noted here recently, correct one long-standing injustice to the printing and book businesses in this country. But they are not yet on an even competitive footing with their U. S. opposite numbers.

Marsh Jeanneret of the University of Toronto Press, an expert on this complex question, points out that the iniquitous "manufacturing clause" in U. S. copyright law still has some application to Canada-U. S. trade.

Books written by Canadians and manufactured here will henceforth enjoy copyright in the U. S. regardless of the number of copies they sell there. But U. S. law still requires (and is unaffected in this respect by Canada's signing of the 1955 agreement) that works by American nationals, and works by Canadians and other aliens domiciled in the U.S., must be manufactured in the U. S. to enjoy copyright there.

There is no corresponding clause in Canadian law. This means that American firms can tender for printing jobs in Canada while Canadian firms are debarred from tendering for like work in the U. S.

Thus, says Jeanneret, "Canada retains its colonial status in the graphic arts industry". There are two possible lines of action. The situation could be corrected either by a retaliatory Canadian law or, much preferably, by negotiation.

The one inexcusable course is to do nothing at all.

(DUPLICATE)

UNDER-SECRETARY OF STATE FOR

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
 Attention: Mr. G.F.G. Hughes, Director,
 Industrial Promotion Branch.

THE CANADIAN EMBASSY, WASHINGTON, D.C.

Reference:
 YOUR LETTER SEPTEMBER 10, 1962
 Subject:
 U.S.A. COPYRIGHT

Regality: UNCLASSIFIED

No.: *P. M. ...*

Date:.....SEPTEMBER 25, 1962

Enclosures:.....

Air or Surface Mail:

Post File No.

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References

EXTERNAL

According to United States Copyright Office there is no limitation of 2,500 copies to safeguard copyright of works sold in the United States by nationals of countries that have ratified the 1955 Geneva Convention. The effect of adherence to the Convention, however, is only progressive and does not apply to works published before August 10 in the case of Canada. In addition, despite Canadian adherence, United States law still requires works of American citizens and resident aliens to be published in the United States to enjoy copyright protection. There is apparently no corresponding clause in Canadian law. You might wish to refer to a recent editorial in the Financial Post (Sept. 15, 1962) which reflects the situation accurately.

The Embassy.

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USA COPYRIGHT LAW

WE DISCUSSED YESTERDAY WITH DIXON OF THE INTERNATIONAL BUSINESS PRACTICES DIV AND HAYES OF THE CDN DESK IN THE STATE DEPT THE BACKGROUND OF USA POSITION CONCERNING MODIFICATION OF THE CDA-USA COPYRIGHT ARRANGEMENT OF 1924 AS REQUESTED IN YOURRETEL.

2. IT APPEARS THAT THE QUOTE MANUFACTURING CLAUSE UNQUOTE, ARTICLE 16 OF USA COPYRIGHT LAW, WAS INTRODUCED IN 1909 LARGELY AS A PROTECTIONIST MEASURE. REPEATED ATTEMPTS TO LIBERALIZE OR ABANDON THIS PROVISION WERE CONSISTENTLY REJECTED BY CONGRESS UNTIL 1949, WHEN IT BECAME POSSIBLE TO IMPORT 1500 COPIES OF WORKS IN THE ENGLISH LANGUAGE NOT RPT NOT PUBLISHED IN USA UNDER THE FIVE-YEAR AD INTERIM PROVISION. UNTIL THAT TIME NO RPT NO COMMERCIAL IMPORT WAS PERMITTED. NEGOTIATIONS LEADING TO THE RATIFICATION OF THE UNIVERSAL COPYRIGHT CONVENTION BY USA IN 1955 WERE PROTRACTED AND MADE CONDITIONAL BY CONGRESS ON FULL RECIPROCITY IN LIFTING THE MANUFACTURING CLAUSE. UNDER THE TERMS OF USA ACCESSION, HOWEVER, USA AUTHORS WHO HAVE THEIR WORKS PUBLISHED ABROAD ARE STILL SUBJECT TO THE MANUFACTURING CLAUSE.

3. ARTICLE 9(B) OF USA PATENT CLAUSE, ON WHICH THE CDA-USA ARRANGEMENT OF 1924 IS BASED, PROVIDES FOR EXTENDING TO NATIONALS OF OTHER COUNTRIES THE SAME OR SUBSTANTIALLY THE SAME TREATMENT AS TO USA NATIONALS ON THE BASIS OF RECIPROCITY. SINCE USA NATIONALS ARE SUBJECT TO THE MANUFACTURING CLAUSE, SO ARE NATIONALS OF OTHER COUNTRIES WHICH HAVE ENTERED INTO ARRANGEMENTS ON THE BASIS OF ARTICLE 9(B). THE RELATIVELY GREATER IMPORTANCE OF THE MANUFACTURING CLAUSE FOR FOREIGNERS IS FULLY RECOGNIZED. IN VIEW OF THE TRADITIONAL ATTITUDE OF CONGRESS, HOWEVER, IT IS CONSIDERED UNREALISTIC TO EXPECT ANY

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REPT UNDER THE UNIVERSAL COPYRIGHT
BACKGROUND INFO ON
DAYS.

O/SSEA/Ross Campbell/MMM

MEMORANDUM

FROM THE OFFICE OF

THE SECRETARY OF STATE FOR EXTERNAL AFFAIRS

To Economic Division

~~CONFIDENTIAL~~

January 23, 1961.


Reference: Memorandum for the Minister dated
January 19, 1961.

Subject: United States Copyright Law and Canadian
Ratification of the Universal Copyright
Convention.

You will see from the Minister's marginal note on page 2 that he would like a Memorandum to Cabinet prepared asking leave to proceed with Canadian ratification of the Universal Copyright Convention. The Minister decided on this course in the light of the fact that the Honourable Noel Dorion, Secretary of State, had recently expressed the opinion to the Minister that Canada should proceed to ratify, and that there are therefore good grounds for believing that the delays and opposition to ratification have stemmed mainly from the Department of the Secretary of State. Putting the matter to Cabinet will, in the Minister's view, serve to smoke out the opposition to this move.

RC
Ross Campbell

c.c. Mr. Cadieux
Mr. Ritchie
Mr. Robinson
Legal Division

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the eventual solution to this problem will probably
be ratification by Canada of the Universal Copyright
Convention since the United States is a party to this



CANADA
MINISTER OF FINANCE

SEEN BY THE MINISTER

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Ottawa, January 16, 1961

The Honourable Howard C. Green, P.C., Q.C., M.P.,
Secretary of State for External Affairs,
Ottawa, Ontario.

My dear Colleague:-

Mr. Robertson has no doubt received a letter dated January 3rd written by Mr. Stein, the Under Secretary of State, concerning representations made by Mr. John C. W. Irwin through me with regard to the effect on Canadian publishing activities of the so-called "manufacturing clause" of the United States Copyright Law.

I should like to support very strongly the action which your Department has been asked in Mr. Stein's letter to take. The present law is very seriously interfering with publication in Canada of books intended to have a circulation in both Canada and the United States.

I regard the matter as one of increasing importance and urgency.

Yours sincerely,

Donald M. Fleming

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popular or successful writer who might expect substantial sales in the United States.

3. The eventual solution to this problem will probably be ratification by Canada of the Universal Copyright Convention, particularly by a



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March 11th, 1960.

Mr. Michael Starr -

This has been bad enough, but now we are publishing another series which should do even better in the United States, and we face the problem, unless something is done about the Universal Copyright Convention, of allowing the U.S. manufacture of our new books in quantities that might easily amount to half a million dollars per year at cost (not selling) price.

If Canada ratified the Universal Copyright Convention, we and other Canadian publishers could export any quantity we desired into the United States without loss of copyright protection. I would be very grateful, therefore, if you would let me know what the government's intentions are as far as this adherence is concerned. It seems to me it is not necessary to wait until the Copyright Act in toto can be considered for revision. May I say that the present situation is another reason why Canadian publishers are often in the position of recommending to a Canadian author that he take his book to a U.S. publisher.

I would be glad to discuss this matter with you further by correspondence or otherwise at any time.

Yours sincerely,

(Signed) John C. W. Irwin,
President

JCWI:am

March 28th, 1960.

Honourable Leon Balcer,
Acting Secretary of State,
Ottawa, Ontario.

Dear Sir:

Thank you very much for your letter of March 23rd regarding my letter to the Minister of Labour in whose constituency I live. I am heartened to learn from your last paragraph that you are anxious to submit recommendations as soon as possible to the Government in the matter under discussion. I shall watch the public press with interest.

You doubtless are aware of the fact that the Book Publishers' Association (English speaking), 60 St. Clair Ave. West, Toronto 7, Ont., have a Copyright Committee of which Mr. John Gray of the Macmillan Company of Canada Limited is chairman. I am sure that this committee would be glad to be called on for any service that they might render.

Incidentally, I have in the mail this morning an acceptance from a United States firm, C. S. Hammond & Co., of the new series to which I referred in my letter to Mr. Starr, and the anticipated loss to Canadian industry mentioned in my letter to him will therefore eventuate.

By the way, if Canada's ratification of Universal Copyright Convention is likely to be long delayed, would it be out of the question for Canada to rescind the so-called bilateral agreement made in the '20s by which Canada gave protection to U.S. authors in return for the limited protection which the United States at present gives our authors. In other words, could the Canadian government not tell the United States that this clause no longer applied unless they give Canadian authors complete protection. Why a Canadian official ever signed that unfair agreement, is difficult to understand.

Yours sincerely,

(Signed) John C. W. Irwin,
President

JCWI:em

April 27, 1960.

Honourable Leon Balcer,
Acting Secretary of State,
Ottawa, Ontario.

Honourable Sir:

Thank you very much for your letter of April 20th giving further consideration to the possibility of rescinding the bilateral agreement of 1923 with the United States. May I put forward the point of view that United States authors and publishers are sufficiently concerned about their protection in Canada that they would bring pressure on their government to concur in the removal of the manufacturing clause.

Their position with regard to Canada is not any different than that which they now take toward the other countries which have ratified the Universal Copyright Convention. In other words, Canada's non ratification should not penalize Canada who is giving United States authors practically everything that they are getting from ratifying countries at the present time. It is my considered view that an approach of the Canadian government to the United States government in this regard would be all that is necessary to secure the removal of the obviously unfair manufacturing clause.

Very truly yours,

John C. W. Irwin,
President

JCWI:em

Ottawa, June 9, 1960.

J. C. W. Irwin, Esq., President,
The Book Society of Canada Limited,
4386 Sheppard Avenue,
Aglincourt, Ontario.

Dear Mr. Irwin:

I thank you for your two letters of May 31 and your letter of June 6 and its enclosure, following on previous correspondence, all dealing with the iniquity of copyright protection granted Canadian authors by the United States as against that which Canada grants United States authors.

I am not entirely confident as to the readiness and willingness of United States copyright authorities to comply with a request that the manufacturing clause be removed from the present agreement: there are certain compulsory licensing provisions of our legislation, for instance, which are applicable to American authors and which are resented by them. I am, rather, firmly of the opinion that, were we to approach the United States with a proposal that the manufacturing clause be dropped, thereby making the agreement more reciprocal, they would simply reply that, for Canada, the solution lies quite readily at hand--Canada has merely to ratify the Universal Copyright Convention, as a number of other countries which held bilateral agreements with the United States have done.

As I believe I mentioned in an earlier letter, ratification of the Universal Copyright Convention cannot be undertaken before our domestic legislation can give effect to its terms. We are pressing on with the study of our present copyright legislation towards the date when we will be in a position to recommend such amendments as we feel necessary in the entire field of Canadian copyright. Until that date I would be most hesitant to propose to my colleagues for their consideration piecemeal amendments to our present law or to existing agreements.

Yours very truly,

(Signed) Leon Balcer,
Acting Secretary of State.



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DEPARTMENT OF THE SECRETARY OF STATE
SECRÉTARIAT D'ÉTAT

OTTAWA, January 3, 1961.

11996-40

Mr. M. A. Robertson,
Under Secretary of State
for External Affairs,
East Block,
Ottawa, Ontario.Attention: Mr. O. G. Stoner

For some months past, a Toronto book publisher has made representations to the Secretary of State and to several other federal cabinet ministers whom he considered also interested, concerning the effect on Canadian publishing activities of the so-called "manufacturing clause" of the United States Copyright Law. That clause requires printing in the United States for full copyright to exist there in a book, newspaper or periodical in the English language first published outside the United States and it provides only for "ad interim" copyright in the United States for five years from first publication, this only on condition that not more than 1500 copies are imported into the United States. If such work is not printed in the United States during that five year period, United States copyright therein ceases at the end of that period. Canadian owners of copyright in English language books, newspapers and periodicals therefore have to print them in the United States in order to gain full copyright protection in that country.

Our correspondent began by suggesting that Canada ratify the Universal Copyright Convention, since the United States is a party to this Convention and is bound by it not to impose the said printing requirement as a condition of copyright protection in

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the United States for the works of nationals of other member countries first published outside the United States. Ratification by Canada of the Universal Copyright Convention was recommended by the Royal Commission on Patents, Copyright and Industrial Designs, in its Report on Copyright, which recommends a complete revision of our present Copyright Act. However, article I of the Convention requires that every contracting state, at the time of ratification, be in a position under its domestic law to give effect to the terms of the Convention. ^{AKK} Now, for one thing, under the Convention certain options open to the member states in respect of the duration of the protection they are required to afford. Furthermore, when our legislation is about to be revised one cannot be sure whether the new legislation will not depart from the present one in some important respect and whether it will be in accordance with the Convention. Canada's new copyright legislation must, therefore, be enacted before a decision as to ratification can be made by the government. I personally doubt that this is likely to come about before at least a year and a half from now.

We explained this to our correspondent, whereupon he suggested that Canada rescind the notice of the Canadian Minister of Trade and Commerce (who was then charged with the administration of the Copyright Act), dated December 26, 1923 and published in the Canada Gazette of December 29, 1923, which under section 4(2) of the Copyright Act had (and still has) the effect of granting United States works copyright in Canada. That notice was issued on the ground that the United States granted or had undertaken to grant Canadian works copyright protection on substantially the same basis as United States works or protection substantially equal to that conferred by our legislation. Incidentally, a proclamation was issued by the President of the United States under date of December 27, 1923, which referred to the said Canadian notice and in effect reciprocated it.

To the said suggestion that Canada now withdraw from that 1923 arrangement, more precisely that Canada cease to afford copyright protection to United States works, we replied that such action on our part

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would in all likelihood cause the United States to retaliate, with the result that no United States protection (even the "interim" protection for five years) would exist any longer for the works of Canadian authors. The Acting Secretary of State, incidentally, in pointing this out to our correspondent, indicated that he was inclined to agree that, from a practical point of view, the said "reciprocal" arrangement was one-sided.

Our correspondent then suggested that the Canadian government request the United States authorities to eliminate the manufacturing clause as it applies to Canada. He seemed strongly of the opinion that the Americans would, in view of the one-sidedness of the present agreement and in consideration, too, of the value to American authors and publishers of copyright protection in Canada, be quite ready to concede the point. In reply we indicated that we did not share his optimism as to American readiness to comply, assuming for the sake of argument that their law enabled them to do so. We pointed out that United States authorities and copyright owners, according to our information, resent certain compulsory licensing provisions of our Act, which in certain circumstances indirectly require printing in Canada and which are applicable to, amongst others, United States works. - Indeed, those provisions were specifically invoked and stipulated as restrictions on the protection of United States works, in view of the United States "manufacturing" clause, at the time of the 1923 agreement, more particularly in order in council P.C. 1395 of July 27, 1923, which authorized adherence by Canada to the 1908 Berlin Revision Convention of the Berne Copyright Convention, with its Additional Protocol of 1914.


A word might here be said with respect to the said compulsory licensing provisions, which are contained in sections 14, 15, 16 and 28 of our present Act (chapter 55 R.S.C. 1952), and are to the effect that any person may apply to the Minister for a license to print and publish in Canada any book or serial wherein copyright subsists, if at any time after publication and within the duration of the copyright

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the owner of the copyright fails to print the said book or serial or cause the same to be printed in Canada or to supply by means of copies so printed the reasonable demands of the Canadian market for such book or serial. They are, in effect, Canadian printing clauses, but it will be readily appreciated that they are not nearly as drastic in their effect as those in the United States law in that the provisions of our Act do not deprive the copyright owner of his copyright, but only subject him to compulsory licensing (with payment of royalties), and are, moreover, operative at the discretion of the Minister. It is understood that they have been invoked on only two occasions.

Our correspondent then took his case to the Minister of Finance, stressing in his letter the loss to the Canadian printing industry through the practice of Canadian authors printing in the United States in order to maintain their copyright protection in that country, and again appealing for an approach to be made to the United States authorities for removal of the manufacturing clause as it applies to Canadian authors.

Furthermore, as a result of representations made before the Royal Commission on Publications (the O'Leary Commission) by several publishing interests, we have now been requested by the Commission to press the matter with despatch. The Commission has assured us of its support in this connection.

 This letter is, therefore, to ask you to approach the appropriate United States authorities with a request that, if it is possible within the terms of their legislation so to do, as we think it is, the provision of their legislation presently requiring printing in that country of works in the English language of which it is proposed to import more than 1500 copies be made inoperative with respect to the works of Canadian citizens, and possibly even with respect to the works of residents of Canada and works first published in Canada. In return we would guarantee that the more or less corresponding provisions of our Act (i.e. ss. 14, 15, 16 and 28), which are operative at the discretion of the Minister, would be left inoperative so far as the works of United States authors are concerned. The point made

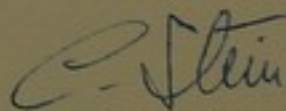
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by the Toronto publisher to the effect that the United States have, since 1924, profited by the effects of this arrangement at the expense of the Canadian printing interests, - in other words, have had by far the best of the bargain, - may possibly commend itself to you as appropriate for use in your representations to the United States Government. If, further, the United States authorities counter our proposal with the suggestion that we have merely to ratify the Universal Copyright Convention to achieve our end, they should be made aware that it will most probably be more than a year, and perhaps two or three years, before such action can be taken.

It was suggested to us by the representatives of the O'Leary Commission that we offer you the personal assistance of an official of this department when contacting the United States authorities and presenting our case to them. You may wish to consider the need of such assistance on our part, but my own view is that, at least in the beginning, this is not necessary and I suggest that your department is in a position to present the case alone on the basis of the foregoing, supplemented by such explanations as you may feel you require of this department.

This matter has, I understand, already been discussed between Mr. M. A. Crowe, of the Economic Division and Mr. C. V. Cole of the Legal Division of your department, and Mr. H. Arbique of this department.

I shall be grateful if you will, therefore, lay this proposal before the United States authorities at your earliest convenience and let me hear as to the outcome.



C. Stein,
Under Secretary of State.

By the President of the United States of America

A Proclamation

WHEREAS it is provided by the Act of Congress approved March 4, 1909, entitled "An Act to Amend and Consolidate the Acts Respecting Copyright", that the copyright secured by the Act, except the benefits under Section 1 (e) thereof as to which special conditions are imposed, shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only upon certain conditions set forth in Section 8 of the said Act, to wit:

(a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or

(b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto:

AND WHEREAS it is provided by Section 1 (e) of the said Act of Congress, approved March 4, 1909, that the provisions of the Act "so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only compositions published and copyrighted after this Act goes into effect, and 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";

AND WHEREAS the President is authorized by the said Section 8 to determine by proclamation made from time to time the existence of the reciprocal conditions aforesaid, as the purposes of the Act may require;

AND WHEREAS satisfactory official assurances have been received that the Minister of Trade and Commerce of Canada issued, pursuant to Section 4 (2) of the Canadian Copyright Act assented to June 4, 1922, a certificate dated December 26, 1923, to become operative on January 1, 1924, declaring that for the purposes of the rights conferred by the said Act, the United States shall be treated as if it were a country to which the Act extends.

NOW THEREFORE, I, CALVIN COOLIDGE, President of the United States of America do declare and proclaim

That on and after January 1, 1924, the conditions specified in Sections 8 (b) and 1 (e) of the Act of March 4, 1909, will exist and be fulfilled in respect to the citizens of Canada and that on and after that date citizens of Canada will be entitled to all the benefits of the Act of March 4, 1909, including Section 1 (e) thereof and the Acts amendatory of the said Act.

Provided that the enjoyment by any work of the rights and benefits conferred by the Act of March 4, 1909, and the Acts amendatory thereof, shall be conditional upon compliance with the requirements and formalities prescribed with respect to such works by the copyright laws of the United States.

And Provided Further that the provisions of Section 1 (e) of the Act of March 4, 1909, in so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically musical works shall apply only to compositions published on or after January 1, 1924, and registered for copyright in the United States.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the city of Washington this 27th day of December in the year of Our Lord one thousand nine hundred and twenty-three, and of the Independence of the United States of America the one hundred and forty-eighth.

[SEAL]

CALVIN COOLIDGE

By the President:
Charles E. Hughes
Secretary of State.

[No. 1682.]

signed, with the concurrence of the Minister of Trade and Commerce, has the honour to recommend that Your Excellency may be pleased to inform His Majesty's Ambassador at Washington of the present position of affairs, and to request that the proposal originally submitted to the American Consul-General by the Minister of Trade and Commerce be made by His Majesty's Ambassador direct to the Government of the United States.

All of which is respectfully submitted:

Acting Secretary of State for External
Affairs.

Ottawa, 23rd October, 1923.