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Sara Bannerman. *The Struggle for Canadian Copyright: Imperialism to Internationalism, 1842–1971*. Vancouver and Toronto: University of British Columbia Press, 2013. 294 pp.; \$95.00 ISBN 9780774824040 (hardcover); \$34.95 ISBN 9780774824057 (paper). Also issued in electronic format.

Canadian publishers traditionally prospered from the distribution of foreign books, the profits from which underwrote their Canadian programs, but until recently they held only Canadian rights while lucrative world rights were reserved by foreign houses. A small population, distribution costs, and few authors – these reasons supposedly explain why Canada has been a net importer of print materials, yet some have argued that imperial and international copyright long ago stacked the deck in favour of foreigners to keep Canada in this subordinate trade position, with ensuing cultural ramifications. This vexing question exploded into crises in 1889–1900 and in 1920–1924, specifically when Canada’s adherence to the Berne Convention on reciprocal international copyright protection (1886) curtailed both the publishing industry and Canadian autonomy.

These events were touched on in my book, *The Beginnings of the Book Trade in Canada* (1985), but Sara Bannerman of McMaster University treats them in greater depth and in an appropriate international and political context. These crises, “the struggle for Canadian copyright,” probe the question of how much autonomy a small nation retains in domestic, imperial, and international law, first as a self-governing colony after 1867 and then as a sovereign power after 1931. The Berne Convention, seen as a major European advance among civilized nations, was welcomed by our authors and publishers, but the printer-publishers’ attack on it dovetailed with Ottawa’s early attempt at autonomy in 1889. Bannerman explains that Canada’s arguments for registration and a manufacturing clause as requirements for its protection of authors were opposed by the “hegemonic” net exporters, France, Italy, and the United Kingdom, who devised the Convention. Consistent with their own quest for

an international copyright treaty, the British were determined to keep the colonies within Berne and reach an accommodation with the United States, the largest English-language market in the world, which remained outside the Berne Convention until 1989 although it endorsed the Universal Copyright Convention (1952).

Bannerman documents this quest for autonomy with court battles and official communications from both sides of the Atlantic, quoting extensively from government inquiries and international conventions (warning: a lot of legalese), mainly from the viewpoint of Canadian ministers and departmental deputies in agriculture, justice, and trade. At the heart of domestic disagreements were two views of copyright: the Anglo-American tradition of “economic rights granted in common-law jurisdictions” and the French tradition of *droit d’auteur* that “encompasses both economic and moral rights” (7). She acknowledges that Canada won a few skirmishes.

From 1842 to 1924, for example, Bannerman explains that despite Canada’s own domestic laws, the basis of protection in Canada was the 1842 Imperial Act. Its intention was to protect books first published in Great Britain and foster home manufacture, although by 1880 first publication in the colonies and dominions secured protection throughout the empire, even for American-authored books, provided their authors were on British soil – which included Canada – during first publication. Against British and European opposition, Canadian insistence on licensing and manufacturing clauses – motivated by retaliation against the United States – went nowhere; yet in 1897 Britain supported Canada’s compromise copyright amendment (1900) that introduced branch-plant publishing along with the agency system that stimulated original Canadian publishing – an important victory for Canada. The offending clauses became dead letters when Canada’s 1921 and 1923 copyright laws ensured that American and non-Berne authors would have full protection, an important landmark for autonomy in domestic law, approved, of course, by Britain and the Berne authorities.

After 1945 Canada exploited its role as a middle power at international conventions, prompted by the recommendations of Ilsley’s *Report on Patents, Copyright, and Design* (1958), O’Leary’s *Report on Publications* (1960), and the Economic Council of Canada’s *Report on Intellectual and Industrial Property* (1971) to update copyright and link intellectual property issues to economic and trade agendas. Bannerman points out that although Canada was not a “developing country” in the same sense as African and Asian emerging nations, it faced similar problems developing its flourishing post-1945 publishing industry and

occasionally identified with third world countries, particularly when Quebec developed a significant export trade to francophone nations. After demonstrating how the Berne protocols by 1971 maintained the major net exporters' economic clout over other nations, Bannerman discusses Canada's membership in the World Intellectual Property Organization (WIPO, 1967), the General Agreement on Tariffs and Trade (GATT, 1986), the US-Canada Free Trade Agreement (1988), NAFTA (1993), and the World Trade Organization's Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS, 1994), but she argues that as a net importer, Canada has been less successful than other middle powers like Argentina, Brazil, and India when mounting "counter-hegemonic projects" (205) against the net exporters. Nowadays the multinationals from net-exporting nations dominate the Canadian industry.

There have been few major works on Canadian copyright since Harold G. Fox's *The Canadian Law of Copyright* (1944). Catherine Seville's *The Internationalisation of Copyright Law: Books, Buccaneers, and the Black Flag in the Nineteenth Century* (2006) mentions Canada's "pirate" publishers, and Eli MacLaren in *Dominion and Agency: Copyright and the Structuring of the Canadian Book Trade, 1867–1918* (2011) discusses how foreign publishers maintained control over their copyrights through local subsidiaries. Bannerman's bibliography includes laws, treaties, Canadian and international records, and useful secondary sources, and her website (<http://thestruggleforcanadiancopyright.ca>) contains many of the archival documents cited in her book. Although this is not primarily a history of publishing or authorship, I hoped for more discussion about the other stakeholders – publishers and authors; for instance, she minimizes the impact of the 1900 copyright amendment on the emerging publishing industry. She rightly mentions the role of public servants like Charles-Joseph Taché, John Lowe, and Louvigny de Montigny, but overlooks the lobbying of Ottawa by John Lovell, George N. Morang, Dan A. Rose, and more recently, by Marsh Jeanneret, Roy Sharp, the Canadian Publishers' Council, and the Association of Canadian Publishers. Long in the making, her book is, nonetheless, the most thorough account of the remarkable story of how the struggle for Canadian copyright autonomy, never completely resolved, has enhanced Canada's image in the international community.

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