


REVIEWS AND NOTICES

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The Canadian Law of Copyright. By HAROLD G. FOX. (University of Toronto Studies: Legal Series). Toronto: The University of Toronto Press. 1944. Pp. lxiv, 770.

This is the third of a series of text books relating to industrial property, which has been written by Harold G. Fox, Esq., K.C. The first of the series covered Canadian Patent Law and Practice and was published in 1937. The second work, published in 1940, is on the subject of Canadian Law of Trade Marks. This also included a chapter on industrial designs so that the publication of the third work on Copyright now gives us a set of texts which completely covers that branch of the law which relates to Patents, Designs, Trade Marks and Copyright.

Although the law of copyright has been developed in Canada for over a century, this is the first Canadian text book on this subject. Until its publication, we have had to rely mainly on English works which, while extremely helpful, did not adequately cover the field from the Canadian standpoint because the trend in the development of our laws has differed in many ways from that which took place in England. The subject is one which in recent years has become increasingly important with the development of talking moving pictures, radio and television. Each of these adds important new problems to this already complicated and confused branch of law. Mr. Fox deserves much credit for undertaking the preparation of such a work.

The book contains a complete outline of the historical development of the law and the general principles are clearly stated. This will be particularly useful to general practitioners as it will enable them readily to find the answer to every-day problems which arise. The author has also included a complete list of authorities and the book will be invaluable to those who find it necessary to delve deeply into the mysteries of the subject. The arrangement is logical and there is a very comprehensive index.

This book, like the other two written by Mr. Fox, embraces analogous subjects which must necessarily be considered along with Canadian Copyright Law. For instance, a chapter is included on the subject of libel and slander as it affects the works and reputations of copyright owners. There is also a chapter on international copyright. Most authors are concerned not only with their Canadian rights but also with the protection of their works in other countries. Canada has joined with other allied countries in becoming a party to an International Convention for the protection of copyright. The steps necessary to obtain such protection have been concisely explained by the author. The Appendix contains the various Conventions to which Canada has subscribed, as well as our Emergency War Legislation, which affects copyright. These are in addition to the Act and Rules.

The profession is heavily indebted to Mr. Fox for producing a book which sets a new high standard for Canadian texts.

Ottawa.

E. G. GOWLING.

Wartime Labour Developments in Australia. By O. DER. FOENANDER. Melbourne: Melbourne University Press in association with Oxford University Press. 1943. Pp. xxix, 177. (17s. 6d.)

This book, the author's third on the Commonwealth Court of Conciliation and Arbitration, completes a study of that tribunal's role in Australian industrial relations from its creation in the early part of this century down to the present war years. *Towards Industrial Peace in Australia*, reviewed in 17 Can. Bar Rev. 73, and *Solving Labour Problems in Australia*, reviewed in 19 Can. Bar Rev. 758, described and analyzed the Court's work through its formative years, the critical period of its history in the late 20's, and the depression period of the 30's, concluding with a short reference to its extended jurisdiction under emergency legislation after the outbreak of war. The present volume is concerned entirely with phases of the Court's wartime achievements and concludes with a suggestive chapter in which the author outlines a programme for post war maintenance of industrial harmony among employers and employees.

The picture of industrial conditions in Australia created by the war, as outlined in this book, finds a parallel in Canada—mushrooming war industries, emergence of priority controls as shortages in labour and materials developed, restrictions on mobility, control of prices and wages and so on. Trade union membership in essential industries more than doubled in the first three years of war, thus enormously strengthening the bargaining power of the unions. That this power was not exploited to the national detriment was due in large measure to the sense of responsibility which they had developed as one of the three keys (the others being the Court and employers' organizations) to Australia's successful administration of industrial relations.

In the early years of the war, the executive assumed certain wage fixing powers with respect to war industries but the dangers of parallelism as well as the possibility of weakening the Court resulted in its restoration as the governing authority in wage fixing within the limits permitted by existing legislation and regulations. By successive series of regulations operative for the war emergency, the Court was empowered to prescribe a common rule not only for one industry but for a class of associated industries; was given power to adjudicate purely intra-state industrial disputes; was authorized to act in cases of anticipatory industrial trouble and also of its own motion; and it was endowed with power to extend its awards beyond the strict ambit of the matters in dispute.

The author's suggestions for post-war industrial policy revolve in the main around the Commonwealth Court of Conciliation and Arbitration. He would extend its jurisdiction (through constitutional amendment if necessary) to intra-state disputes and to encompass prescription of a common rule; and he would enlarge its personnel and annex to it a fact-gathering bureau. On the basis of experience, he has confidence in buttressing the Court's pivotal position in industrial relations.

The readability of this volume is enhanced by numerous short appendices, which follow each of the chapters, in the form of notes on a variety of matters such as judicial decisions on the scope of the defence power glimpses of the Arbitration Court's attitude to specific issues and the, Canberra Constitutional Convention.