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NATIONAL ANTHEM ACT

**BILL TO AMEND—THIRD READING—MOTION IN
AMENDMENT—DEBATE CONTINUED**

Speech by:

The Honourable Patricia Bovey

Tuesday, May 30, 2017

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Hon. Patricia Bovey: Honourable senators, I rise to join the debate on Bill C-210 and its amendment. I will not speak long. All I want to do is clarify the situation regarding copyright rights.

I will not go into a whole history of the writing of our national anthem but merely the question of the rights raised when we last met.

Honourable senators, I applauded the addition of moral rights to Canada's Copyright Act, which the Mulroney government brought into effect on June 8, 1988. Indeed, that summer I hosted a number of sessions with creators to which I invited the authors of the act and several lawyers to review the legislation to ensure that we all understood both the economic rights and the moral rights enshrined in the act.

The moral rights were the new aspect of the bill and affected work created after June 8, 1988.

Let's return to the national anthem. It was written in 1908. The author died in 1926. Canada's Copyright Act came into being in 1924. In 1929, copyright for "O Canada" was passed from its author, Weir, to Leo Feist Limited. Three years later in 1932, the copyright passed to V. Thompson Music.

In 1970, both Thompson and Weir descendants formally surrendered rights to the Canadian government for a symbolic amount of \$1. In 1980, the National Anthem Act declared that the copyright of the words remain in the public domain. The rights, therefore, are not held by any one individual but by our nation. Therefore, senators, I will vote against the amendment and for the original bill.
