

centrations nécessaires de produits sont telles que les auteurs insistent sur une étude éventuelle de l'impact sur les matériaux, même si le but est la désinfection de locaux vides. À cela il faudrait sans doute ajouter une étude des effets sur les humains qui éventuellement occuperont ces espaces.

Comme c'est souvent le cas dans le domaine de la recherche, plusieurs années et plusieurs études sont souvent nécessaires avant d'aboutir à des solutions applicables. Ce recueil nous livre ainsi une part de résultats concrets et pratiques et une part d'études toujours en évolution qui font avancer la connaissance des matériaux, instruments et problèmes liés à la conservation du patrimoine.

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**Copyright Law.** DAVID VAVER. Toronto: Irwin Law Inc., 2000. xx, 355 p. ISBN 1-55221-034-0.

Copyright is a complex matter, hedged about as it is by Canada's obligations under international treaties, the need to balance the rights of creators with the needs of users, and the challenges of the digital environment. With all these factors to be taken into account, copyright reform in Canada has been a slow process. The so-called Phase II of copyright reform was embodied in Bill C-32 (*An Act to amend the Copyright Act*) which received royal assent in April 1997. For the first time, the archival community was actively involved in the debate and joined forces with historians and genealogists to influence the outcome in a positive way. Unfortunately, more than two years passed before the amendments were fully in force.

With the various amendments (and their related regulations) coming into force in a piecemeal fashion between 1 September 1997 and 1 October 1999, it has been difficult to get a sense of the entire act. Narrowly-focused publications discussing the impact of the amendments on particular communities are available, but none deal with the entire *Copyright Act*. David Vaver's book, *Copyright Law*, is therefore a welcome addition to the reference texts on Canadian copyright. Published in February 2000, it is the only book currently available which deals comprehensively with the amended *Copyright Act*. Part of Irwin Law's Essentials of Canadian Law series, *Copyright Law* greatly expands and updates the copyright material in Vaver's earlier work in the same series, *Intellectual Property Law* (published in 1997).

David Vaver is the Reuters Professor of Intellectual Property and Information Technology Law at Oxford University, a post he has held since 1998. Before that, in a teaching career which spanned some twenty-seven years, he taught intellectual property law at Osgoode Hall Law School at York Univer-

sity, the University of British Columbia, and the University of Auckland. His rich knowledge of the field is reflected in the book's extensive references to a wide range of case law, explanations of the historical background to certain sections of the act, and his views on future directions of copyright reform.

The book is organized into ten chapters. Beginning with an overview which places copyright law within the broader context of intellectual property, the author then discusses the types of creations which are protected under the current law. The third chapter deals with the criteria for copyrightability. Chapter four (Title and Duration) deals with authorship and copyright ownership, and the term of copyright protection for protected categories of works. Chapter five (Owners' Rights) is a lengthy discussion of the economic rights of copyright owners. Authors' moral rights are dealt with in a separate chapter. The chapter on users' rights is lengthy, due in large part to the complexity of many of the exceptions. Chapter eight (Management) covers assignments, licences (including those managed through collective societies), and registration. Chapter nine (Enforcement) deals with the penalties for copyright infringement. Vaver concludes with a thought-provoking discussion of some of the challenges in applying the current law to the digital environment, suggestions for directions in copyright reform, and the need to "rethink" copyright.

At the end of each chapter is a list of further readings for those who want more information. The readings provide an historical as well as an international perspective on the topic, and include standard legal textbooks and articles in law journals, as well as public policy papers. Much of the legal literature would be available only in an academic law library; other readings would be accessible on the Internet or in a general library.

Also supporting the text are a glossary of terms, a table of the cases referred to in the text, and an index. The glossary is particularly useful because it provides full definitions and explanations of technical legal terms, abbreviations, and other aspects of copyright.

The Essentials of Canadian Law series is intended primarily for lawyers and law students, but this book is aimed at a wider audience, particularly the creative community and the general public. Those who equate reading about copyright with having root canal treatment will be pleasantly surprised to find that this book is eminently readable, and even entertaining. Vaver's points are extensively illustrated with case law, which is helpful when dealing with the imponderables of the *Copyright Act*: how much is a substantial part? What is "fair" in fair dealing? When is a performance "in public"? While there are no definite answers to these questions, the discussion provides further insights on which to base institutional policies on such matters.

This is not, however, a book for the copyright novice. Vaver has strong views about what works and what doesn't in the *Copyright Act*, and he does not hesitate to express them. It must, therefore, be read with care in order to distinguish among fact, opinion, and what should have been. He comments

(with admirable restraint) that the exceptions for libraries, archives, and museums “will require robust interpretation if the structure it sets up is to work smoothly” (p. 201). He unequivocally states that the perpetual copyright in unpublished crown works should have been abolished as part of the 1997 amendments (as it was in unpublished posthumous works). Archivists will applaud his suggestions that the term for crown works should be fifty years from the date of creation, and that this term should also be extended to works prepared by the employees of municipal governments (p. 107). Regarding the impact of digital technologies, he states that they “have thrown copyright’s anomalies into starker relief ... [and] have thrown into question whether copyright can or should exist in the digital world” (p. 295). Anyone who has questioned the logic or workability of parts of the *Copyright Act* will be delighted to find an ally in Professor Vaver.

Although most readers will not know or care, archivists must be aware of a regrettable error in the discussion of the transition periods leading up to the end of perpetual copyright in unpublished works. Vaver has wrongly added an extra year of protection for works by authors who died before this section of the act came into force with works that had not been published before their death (pp. 103, 210). Posthumous works by authors who died on or after 31 December 1948 will come into the public domain on 1 January 2049, not 31 December 2049, and posthumous works by authors who died before 31 December 1948 will come into the public domain on 1 January 2004, not 31 December 2004.

Those seeking information on specific points will find the index annoying. There are too many references from logical but non-preferred terms to unlikely preferred terms, so that the reader may not get to the correct page reference on the first try. For example, “Crown copyright” refers the reader to “Government works,” and “Work” refers the reader to “Copyright work.” It also contains a number of unnecessary, and sometimes oddly constructed, references which a reader would be unlikely to look under (e.g., “Unfairness, see Fair dealing,” and “Whom to sue, see Enforcement”). On the other hand, there is no entry for “Web site” or “Web page.” The index also contains unnecessary references to minute facts of particular cases where a reference to the broader topic or the principle the case illustrates would be sufficient. For example, if you’ve ever wondered about copyright in the writings of a drunkard, the index contains a reference to the case law under “Drunk, work made while.” Providing many access points may have been an attempt to make the content more accessible, but the result is time-consuming and irritating. The detailed table of contents is a much more useful way to get to topics of interest.

Despite its weaknesses, this book would be a useful work for the archivist wanting to put the amendments which most directly affect her work into the context of the entire act, or for the institution wanting to supplement the archives-specific material on its copyright reference shelf. For the archival

community, this book provides useful background on the impact of copyright on the interests of archivists and their researchers. It may also provide insights into the directions of future rounds of copyright reform, and ways to influence the outcome in order to benefit archives.

**Jean Dryden**

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Copyright Advisory Services

**Drawn From Life: Science and Art in the Portrayal of the New World.**  
VICTORIA DICKENSON. Toronto: University of Toronto Press, 1998.  
312 p. ISBN 0-80204-225-2.

Victoria Dickenson's book continues to explore the ideas first presented in her 1992 exhibition organized for the Agnes Etherington Centre, *First Impressions: European Views of the Natural History of Canada from the 16th to the 19th Century*. For this exhibition she borrowed extensively from both the art collection of the National Archives of Canada and the rare book department of the National Library of Canada; the latter was also the final venue of the exhibition in the summer of 1993. One of the advantages of reviewing exhibitions is that the works being discussed are on display and also illustrated in the accompanying catalogue, whereas books published afterwards contain illustrations only, and sometimes just a select few.

In *Drawn From Life*, the author gives an excellent overview of natural history and related illustrations, using publications on North American flora and fauna between the fifteenth and early nineteenth centuries. The beginning of this period is significant for the paradigm shift in science from the reliance on the writings of classical authors to empirical observation, a shift which is clearly visible in the illustrations accompanying the publications. In the fifteenth century, illustrations of animals and birds served as emblems to represent the mark of God on the earth; for example, a beaver on a map or in a text about North America was not there to identify the species, but to mark North America as part of creation. As naturalists began to exchange and collect specimens and as trained artists accompanied expeditions and took up the profession of illustrating, the depictions became more and more like counterfeits of the actual animal or plant. Illustrations were not always used rigorously, that is, either they were used out of context or were old and outdated, or even imaginary; this has contributed to the lack of a strong intellectual tradition for analysing images. And yet, as Dickenson demonstrates, artists illustrating natural science books went to inordinate lengths to ensure that their images were authentically coloured. The importance of colour in natural history illustrations was recognized by the eighteenth century and surely gave impetus to the development of more sophisticated colour printing methods. Better methods