

1976

## Book Review: Motion Pictures and the Arts in Canada, by Garth D. Drabinsky

Sharon A. Williams

*Osgoode Hall Law School of York University, sawilliams@osgoode.yorku.ca*

### Source Publication:

Canadian Bar Review. Volume 54, Number 3 (1976), p. 687-688.

Follow this and additional works at: [https://digitalcommons.osgoode.yorku.ca/scholarly\\_works](https://digitalcommons.osgoode.yorku.ca/scholarly_works)



This work is licensed under a [Creative Commons Attribution-NonCommercial-No Derivative Works 4.0 License](#).

---

### Recommended Citation

Williams, Sharon A. "Book Review: Motion Pictures and the Arts in Canada, by Garth D. Drabinsky." *Canadian Bar Review* 54.3 (1976): 687-688.

This Book Review is brought to you for free and open access by the Faculty Scholarship at Osgoode Digital Commons. It has been accepted for inclusion in Articles & Book Chapters by an authorized administrator of Osgoode Digital Commons.

BOOK REVIEWS  

---

REVUE DES LIVRES

*Motion Pictures and the Arts in Canada.* By GARTH D. DRABINSKY. Toronto: McGraw-Hill Ryerson Limited. 1976. Pp. xix, 201. (\$14.50)

Recently, much attention has been paid to the business and legal aspects of the motion picture industry. In *Motion Pictures and the Arts in Canada*, the author, Mr. Garth Drabinsky, attempts to "present the economic facts for day-to-day decisions and actions . . . and a simplified guide to common legal concepts that influence business decisions,"<sup>1</sup> in that industry.

The book is primarily designed for the film world as its title suggests, but much of it is equally valuable to writers, actors, musicians, composers, photographers, graphic artists, publishers and others who are involved in the commercial production of creative works.

The first chapter deals with the fundamentals of production. Mr. Drabinsky introduces his subject in a very easy manner which has the effect of transporting the reader into the production room. While the "credits" go up, the producer recalls his aggravations during the making of the film: "... finding the story, negotiating the contracts, raising the money, 'shooting around' the star while he was ill (or drunk), fire damage to a major set, a strike by technicians, and a power failure in the laboratory where the post-production processing was done."<sup>2</sup> Having outlined the area of study, he develops it in a more detailed fashion.

The chapter on copyright<sup>3</sup> analyses the Canadian Copyright Act,<sup>4</sup> explains how a copyright is obtained, in what type of work it subsists, how it is negotiated, what constitutes infringement and the differences between Canadian and United States law. This is of extreme importance when one considers the components

---

<sup>1</sup> P. xvii.

<sup>2</sup> P. 2.

<sup>3</sup> Ch. IV.

<sup>4</sup> R.S.C., 1970, c. C-30.

of a motion picture — a literary work, a dramatization, original music, a soundtrack and a cinematograph.<sup>5</sup> Similarly, the chapters on contracts<sup>6</sup> and on torts,<sup>7</sup> especially the law of defamation and the right of privacy, are most interesting.

The remainder of the book is concerned with the rights inherent in a musical work,<sup>8</sup> the acquisition of film rights in a literary or dramatic property,<sup>9</sup> the role of the agent<sup>10</sup> and the various agreements and consequent legal relationships that go on behind the scenes with the screen writer,<sup>11</sup> the producer and director,<sup>12</sup> and last but certainly not least, the “talent agreement” of the actor.<sup>13</sup> The economic aspects of financing<sup>14</sup> and distribution<sup>15</sup> of films are of value in understanding fully the administrative aspects of the industry.

Finally, the law of obscenity, censorship and film classification<sup>16</sup> is reviewed. Mr. Drabinsky, as an opener, quotes from D. A. Schmeiser: “If one had to choose the most muddled law in Canada today, there is no doubt the law relating to obscenity would be a top contender.”<sup>17</sup> He reviews the cases, the Law Reform Commission’s Recommendations,<sup>18</sup> federal legislation other than that contained in the Criminal Code and provincial censorship legislation.

This is certainly an authoritative work which encompasses the vast breadth of a massive subject. The end result is a book which, though packed with relevant information, is still extremely readable. It should certainly be consulted by those involved in the film industry, their lawyers and accountants and anyone who is fascinated by the silver screen.

SHARON A. WILLIAMS\*

\* \* \*

<sup>5</sup> P. 42.

<sup>6</sup> Ch. II.

<sup>7</sup> Ch. III.

<sup>8</sup> Ch. X.

<sup>9</sup> Ch. V.

<sup>10</sup> Ch. VI.

<sup>11</sup> Ch. VII.

<sup>12</sup> Ch. III.

<sup>13</sup> Ch. IX.

<sup>14</sup> Ch. XI.

<sup>15</sup> Chs XII and XIII.

<sup>16</sup> Ch. XIV.

<sup>17</sup> *Civil Liberties in Canada* (1970), p. 232.

<sup>18</sup> *The Law Reform Commission Study on Obscenity* (1972).

\* Sharon A. Williams, of the Faculty of Law, McGill University, Montreal.