

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2005-01-14

Citation FILE: Educational Rights 2003-2006

Regime Use of Broadcast Programs by Educational Institutions
Copyright Act, subsection 73(1)

Members Mr. Stephen J. Callary
Mrs. Sylvie Charron
Ms. Brigitte Doucet

**Statement of Royalties to be collected by ERCC from educational institutions in Canada,
for the reproduction and performance of works or other subject-matters communicated to
the public by telecommunication for the years 2003 to 2006**

Reasons for decision

Pursuant to subsection 71(1) of the *Copyright Act*, the Educational Rights Collective of Canada (ERCC) filed on March 27, 2002, its statement of proposed royalties to be collected from educational institutions in Canada, for the reproduction and performance of works or other subject-matters communicated to the public by telecommunication for the years 2003 to 2006. The statement was published in the *Canada Gazette* on May 11, 2002.

The tariff proposal included rates higher than the ones certified by the Board for the period 1999-2002. The Association of Community Colleges of Canada, the Association of Universities and Colleges of Canada, the Canadian Schools Board Association and the Council of Ministers of Education, Canada objected to the tariff proposal.

On December 18, 2002, at the request of ERCC and with the approval of all objectors, the Board adopted an interim tariff that applied from January 1, 2003 until the final tariff is certified. The interim tariff was identical in substance to the one certified for 1999 to 2002. Some dates pertaining to reporting requirements were changed. The transitional provisions had become irrelevant and therefore deleted.

On September 20, 2004, ERCC informed the Board it had reached an agreement with the objectors and asked that the interim tariff be certified as the final tariff for the period 2003-2006. All objectors subsequently withdrew their objections.

Taking note of the agreement, the Board certifies for the period 2003-2006, a tariff identical

(except for the title) to the interimtarriff, and thus identical in substance to the previous certified tariff.

A handwritten signature in black ink that reads "Claude Majeau". The script is cursive and fluid, with the first letter of each word being capitalized and prominent.

Claude Majeau
Secretary General