

Copyright Board
Canada



Commission du droit d'auteur
Canada

Date 2012-01-05

Citation File: Reprographic Reproduction, 2005 to 2014

Regime Collective Administration in relation to rights under sections 3, 15, 18 and 21
Copyright Act, 70.15(1)

Members Mr. Justice William J. Vancise
Mr. Claude Majeau
Mrs. Jacinthe Th  berge

Proposed Tariffs Considered (Provincial and Territorial Governments – 2005 to 2014)

Statement of Royalties to be collected by access copyright for the reprographic reproduction, in Canada, of works in its repertoire

Reasons for decision

[1] Alberta, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Nunavut, Prince Edward Island and Saskatchewan (collectively the Objectors) rely on the principle of Crown immunity, as codified in section 17 of the *Interpretation Act*,¹ to claim that the *Copyright Act*² (the “*Act*”) does not apply to them and that, consequently, the tariffs proposed by Access Copyright in respect of Provincial and Territorial governments cannot bind them.

[2] The Objectors’ claim for Crown immunity is dismissed by reason that the *Act* binds the Crown by necessary implication.

[3] We find it necessary to inform the parties of our decision in the matter without further delay, with reasons to follow, to allow them to fully prepare and meet the October 23, 2012 hearing date.

¹ R.S.C. 1985, c. I-21.

² R.S.C. 1985, c. C-42.

A handwritten signature in black ink, appearing to read "Gilles McDougall". The signature is fluid and cursive, with the first letter 'G' being particularly large and stylized.

Gilles McDougall
Secretary General