

Copyright Board
Canada



Commission du droit d'auteur
Canada

[TRANSLATION]

Ottawa, April 18, 2017

File : 2017-UO/TI-06 Vice Studio Canada Inc.

Ms. Kung:

The Copyright Board has reviewed your application filed on February 21, 2017 and has determined that a licence cannot be issued as your application does not meet the criteria set out in section 77 of the *Copyright Act* (“the Act”).

In this regard, subsection 77(1) of the Act states that

[w]here, on application to the Board by a person who wishes to obtain a licence to use

- a) a published work,
- b) a fixation of a performer’s performance,
- c) a published sound recording, or
- d) a fixation of a communication signal

in which copyright subsists, the Board is satisfied that the applicant has made reasonable efforts to locate the owner of the copyright and that the owner cannot be located, the Board may issue to the applicant a licence to do an act mentioned in section 3, 15, 18 or 21, as the case may be. [our underline]

Subsection 2.2(1) of the Act defines publication as “making copies of a work available to the public (...)”. Furthermore, the exhibition in public of an artistic work is explicitly excluded from the definition of publication in the Act.

In this case, the Board has determined that there is no sufficient evidence that the artistic work that you intent to use in your documentary has been published. As such, the Board cannot issue a licence.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gilles McDougall'.

Gilles McDougall
Secretary General