

Copyright Board
Canada



Commission du droit d'auteur
Canada

[TRANSLATION]

Ottawa, June 13, 2018

File : 2017-UO/TI-07 – Les Productions Ciné-Plurielles inc.

Mr. Bonneau :

The Copyright Board has reviewed your application filed on March 2, 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”).

Pursuant to section 77 of the Act, the Board can deliver a licence authorizing the applicant to do an act mentioned in section 3 with regards to a work, if the work is protected and published.

While the erotic films that you wish to reproduce seem to be published works, the Board has determined that these works are no longer protected by Copyright.

Section 6.1 of the Act states the following with regards to the duration of copyright for anonymous works:

Except as provided in section 6.2 and in subsection (2), where the identity of the author of a work is unknown, copyright in the work shall subsist until the end of 75 years following the end of the calendar year in which the work is made. However, if the work is published before the copyright expires, the copyright continues until the earlier of the end of 75 years following the end of the calendar year in which the first publication occurs and 100 years following the end of the calendar year in which the work was made.

Since the publication of the works for which you are seeking a licence goes back to the 1940s or 1950s – which is roughly 70 years ago – the delay of copyright protection for these works has expired and they are now part of the public domain. This means that a licence is not required for their use.

Sincerely,

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