

Copyright Board
Canada



Commission du droit d'auteur
Canada

Ottawa, September 18, 2018

File: 2018 UO/TI-01 – Saskatchewan Legal History Society

Mr. Mittelstadt,

The Copyright Board has reviewed your licence application dated January 4, 2018, for the reproduction of a photograph by Robert W. Smith and has determined that a licence cannot be issued as your application does not meet one or more of the requirements of section 77 of the *Copyright Act* (the “Act”).

Section 77 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]

Given that the photograph you wish to reproduce has not been published, the Copyright Board cannot issue a licence.

Sincerely yours,

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

Secretary General
Gilles McDougall