

Copyright Board
Canada



Commission du droit d'auteur
Canada

[TRANSLATION]

Ottawa, September 18, 2010

File : 2018-UO/TI-07 Musée des maîtres et artisans du Québec

Ms. Meunier :

The Copyright Board has reviewed your application filed on March 19, 2018 on behalf of the *Musée des maîtres et artisans du Québec* 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 (...)” but excludes “the exhibition in public of an artistic work”.

In this case, the Board has determined that there is not sufficient evidence that the contemporary artistic works that you wish to use have been published. As such, the Board cannot issue a licence for their use.

Sincerely,

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

Gilles McDougall
Secretary General