

Copyright Board
Canada



Commission du droit d'auteur
Canada

Ottawa, June 17, 2008

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UNLOCATABLE COPYRIGHT OWNER

Non-exclusive licence issued to The Buchanan Library of Lethbridge College, authorizing the digital reproduction and communication to the public of two works

Pursuant to the provisions of subsection 77(1) of the *Copyright Act*, the Copyright Board grants a licence to The Buchanan Library of Lethbridge College as follows:

- (1) The licence authorizes the digital reproduction and communication to the public of the following works in the Lois Hole Campus Alberta Digital Library:
 - Photograph of Donald W. Buchanan in his role as Assistant Curator of the National Gallery of Canada (NGC), taken in the late 1950s (photographer unknown), and published in the NGC Archives 1965-1966 Annual Report;
 - Painting titled Istanbul Harbour by William Robert Welch (born in 1928) reproduced in 1993 by the Lethbridge Community College in “The Tradition Series: The Buchanan Art Collection” (series of booklets commemorating the 35th Anniversary of the Lethbridge College).
- (2) With respect to the painting, the licence is conditional to the work having been published with the consent of the copyright owner, as required by subsection 2.2(3) of the *Copyright Act*.
- (3) The licence expires on December 31, 2018.
- (4) The licence is non-exclusive and valid only in Canada. For other countries, it is the law of that country that applies.
- (5) The issuance of the licence does not release the licensee from the obligation to obtain permission for any other use not covered by this licence.
- (6) The licensee shall ensure that the following credit is prominently displayed with each of the above works:

“Used under a non-exclusive licence issued by the Copyright Board of Canada in co-operation with the Canadian Artists' Representation Copyright Collective.”

- (7) With respect to the photograph, the licensee will pay \$167.50 to the Canadian Artists' Representation Copyright Collective (CARCC) who will dispose of the amount as it sees fit for the general benefit of its members. CARCC undertakes, however, to reimburse any person who establishes, no later than December 31, 2023, ownership of copyright in the work.
- (8) With respect to the painting, the licensee will pay \$167.50 to any person who establishes, no later than December 31, 2023, ownership of copyright in the work if the condition set out in paragraph (2) is fulfilled or if the person claiming copyright agrees that it was. If not, it will be up to the licensee and the person claiming copyright to agree on the terms of a licence.
- (9) The coming into force of this licence is conditional on:
 - a) CARCC filing with the Board the receipt of the amount of the licence and its undertaking to comply with the conditions set out in paragraph (7) above;
 - b) the licensee filing with the Board its undertaking to comply with the conditions set out in paragraph (8) above.



Claude Majeau
Secretary General