



Ottawa, October 2, 2020

FILE 2020-UO/TI-15

UNLOCATABLE COPYRIGHT OWNER

Application by Bob Muggeridge, St. John's, Newfoundland, for the reproduction of the poem "The Day Is Done" by Henry Wadsworth Longfellow

The Copyright Board finds that the application does not meet the requirements of 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]

In this case, the Board has determined that copyright for the work subject to the application no longer subsists because of the following reasons:

1. Section 6 of the Act provides that the term for which copyright shall subsist for literary works be the life of the author, the remainder of the calendar year in which the author dies, and a period of fifty years following the end of that calendar year;
2. The author of the work, Henry Wadsworth Longfellow, passed away in 1882, which is more than 137 years ago.
3. The work is part of the public domain since January 1, 1932.

As such, the Copyright Board cannot issue a licence as no licence is required for use of the work.

A handwritten signature in black ink, appearing to be 'Lara Taylor', written in a cursive style.

Lara Taylor
Secretary General