

COPYRIGHT BOARD

ANNUAL REPORT

1988-89

Copyright Board
Canada



Commission du droit d'auteur
Canada

August 9, 1989

The Honourable Harvie Andre, P.C., M.P.
Acting Minister of Consumer and Corporate Affairs
Ottawa, Ontario
K1A 0C9

Mr. Minister:

On behalf of the Copyright Board, I have the honour to submit the annual report of the Board for the 1988-89 financial year.

This report is submitted pursuant to section 48.9 of the *Copyright Act* as amended. As the Board came into existence on February 1, 1989, the report covers only two months of activities.

Yours very truly,

Michel Héту
Vice-Chairman and CEO

I - GENERAL INFORMATION

Historical Background

The Copyright Board came into existence on February 1, 1989 upon proclamation of sections 12 to 15, 17, 20 and 25 of the *Act to amend the Copyright Act* (Chapter 15 of the Statutes of Canada, 1988) assented to on June 8, 1988.

It replaced the Copyright Appeal Board which, since 1936, was responsible for the annual review and approval of royalties payable to the performing rights societies for the performance of musical works in Canada.

Organization

The Board consists of a maximum of five members, including a chairman and a vice-chairman, appointed by the Governor in Council to serve either full-time or part-time, for a term not to exceed five years. Each member is eligible to be reappointed once only.

The chairman directs the work of the Board. The vice-chairman, who is chief executive of the Board, has supervision over and direction of the Board and its staff.

The Secretary to the Board provides administrative services to the Board and acts as its registrar.

Jurisdiction

The Board has jurisdiction over the following matters:

1. The fixing of royalties payable to licensing bodies for the performance of musical and dramatico-musical works (Sections 49 to 49.3 of the *Act*);
2. The fixing of royalties payable to collecting bodies for the retransmission of distant television and radio signals (Sections 70.61 to 70.67 of the *Act*);
3. The fixing of royalties payable to licensing bodies for all other acts mentioned in subsection 3(1) of the *Act*, where there is a disagreement between the collective and users, or when the Director of Investigation and Research, appointed under the *Competition Act*, considers that an agreement filed with the Commission is contrary to the public interest and requests the Board to examine this agreement (Sections 50.1 to 50.6 of the *Act*);
4. The issuance of non-exclusive licences for any act mentioned in subsection 3(1) with respect to published works, where the owner of the copyright cannot be located (Section 50.7 of the *Act*).

Also, the Board may be required to conduct such studies with respect to the exercise of its powers as are requested by the Minister (Section 48.8 of the *Act*).

II - ACTIVITIES

The Copyright Board came into existence on February 1, 1989. It was therefore operational for only two months during the 1988-89 financial year.

Its activities during this period, other than answering requests for information, were limited mostly to setting itself up and getting organized.

As of March 31, 1989, the Board had received only one official document in its area of jurisdiction. This was an application by the *Société du droit de reproduction des auteurs, compositeurs et éditeurs du Canada (SODRAC)*, pursuant to section 50.2 of the *Act*, for the fixation of royalties in respect of licences for mechanical reproduction. Pursuant to section 50.3 of the *Act*, the Board did not proceed with this application as it received a notice, dated May 9, 1989, stating that an agreement had been reached between *SODRAC* and *l'Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ)* touching the matter.

III - ADDITIONAL INFORMATION

Requests for further information about the Board and its activities may be directed to:

Secretary to the Board
Copyright Board
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171 Slater Street
Suite 501
Ottawa, Ontario
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