

Copyright Regulations

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Registration 1 October, 1997

COPYRIGHT ACT. Copyright Regulations

P.C. 1997-1422 1 October, 1997

His Excellency the Governor General in Council, on the recommendation of the Minister of Industry and the Treasury Board, pursuant to sections 59a and 62b of the Copyright Act, hereby makes the annexed Copyright Regulations.

a S.C. 1993, c. 15, s. 8b S.C. 1997, c. 24, s. 37(2)

COPYRIGHT REGULATIONS

INTERPRETATION ➡

1. The definitions in this section apply in these Regulations.

"Act" means the Copyright Act. (Loi)

"Commissioner" means the Commissioner of Patents. (commissaire)

CORRESPONDENCE ➡

2. (1) All correspondence intended for the Commissioner shall be addressed to the Copyright Office.

(2) Subject to subsection (4), correspondence addressed to the Copyright Office shall be considered to be received by the Copyright Office on the day that the correspondence is delivered to one of the following establishments, where the delivery is made during the

business hours of that establishment, namely,

(a) the Copyright Office; or

(b) an establishment that is designated by the Commissioner in the Canadian Patent Office Record as an establishment to which correspondence addressed to the Copyright Office may be delivered.

(3) Correspondence addressed to the Copyright Office may be transmitted to the Copyright Office by facsimile, in which case the facsimile shall be considered to be received by the Copyright Office on the day it is transmitted, where the transmission takes place before midnight local time of the place where the Copyright Office is located.

(4) Where the delivery mentioned in subsection (2) is made after business hours, correspondence addressed to the Copyright Office shall be considered to be received by the Copyright Office on the next working day at the start of business hours.

3. (1) Communication in respect of a copyright shall be in writing, but the Commissioner may also accept oral communications.

(2) The Commissioner may request that an oral communication be confirmed in writing.

4. (1) Any address required to be furnished pursuant to the Act or these Regulations shall be a complete mailing address and shall include the street name and number, where one exists, and the postal code.

(2) Where the Commissioner has not been notified of a change of address, the Commissioner is not responsible for any correspondence not received by an author, legal representative, any person purporting to be the agent of an author or their legal representative, or by an assignor, assignee, licensor or licensee.

APPLICATION FOR REGISTRATION OF COPYRIGHT ➡

5. (1) An application for the registration of a copyright

(a) in a work, shall be made in accordance with section 55 of the Act, and deal with the registration of only one work; or

(b) in a performer's performance, sound recording or communication signal, shall be made in accordance with section 56 of the Act, and deal with the registration of only one performer's performance, sound recording or communication signal.

(2) An application for the registration of a copyright referred to in subsection (1) shall be accompanied by the fee set out in column 2 of item 1 of the schedule.

REQUEST FOR REGISTRATION OF ASSIGNMENT OR LICENCE ➡

6. (1) A request for the registration of an assignment of copyright, or a licence granting an interest in a copyright, shall

- (a) be in writing; and
- (b) contain the following information:
 - (i) the names and addresses of the assignor and assignee or the licensor and licensee,
 - (ii) a description of the interest being granted by assignment or licence, and
 - (iii) the title of the work, performer's performance, sound recording or communication signal, and, if available, the registration number of that work, performer's performance, sound recording or communication signal.
- (2) A request for registration referred to in subsection (1) shall be accompanied by
 - (a) any document referred to in paragraph 57(1)(a) of the Act; and
 - (b) the fee set out in column 2 of item 2 of the schedule.

GENERAL ➡

7. Where the Commissioner determines that an application for registration of copyright, or a request for registration of an assignment of copyright, or a licence granting an interest in a copyright, is defective because it lacks any information or other item, the Commissioner shall notify the person applying for or requesting registration and that person shall have sixty days from the date of that notice to cure the defect. If the defect is not cured within that sixty day period, the Commissioner shall notify that person that the application or request has been rejected, in which case no further action may be taken for registration unless a fresh application or request is made and the applicable fee set out in the schedule for that fresh application or request is paid.

8. All applications for registration of copyright, requests for registration of an assignment of copyright, or a licence granting an interest in a copyright, and any correspondence to the Commissioner shall be legible and clear and, if in paper form, on white paper that measures at least 8 inches by 11 inches (21 cm by 28 cm) but not more than 8 1/2 inches by 14 inches (22 cm by 35 cm) on one side only, with left and upper margins of at least 1 inch (2.5 cm).

9. The fee to be paid by a user of a service of the Copyright Office set out in column 1 of any of items 3 to 6 of the schedule is the fee set out in column 2 of that item.

REPEAL ➡

10. The Copyright Rules¹ are repealed.

¹ C.R.C., c. 422

COMING INTO FORCE ➡

11. These Regulations come into force on October 1, 1997.

SCHEDULE ➡

(Subsection 5(2), paragraph 6(2)(b) and sections 7 and 9)

TARIFF OF FEES ➡

1. Accepting an application for registration of a copyright

(a) pursuant to section 55 of the Act \$ 65

(b) pursuant to section 56 of the Act \$ 65

2. Accepting for registration an assignment or licence of a copyright pursuant to section 57 of the Act \$ 65

3. Processing a request for accelerated action on an application for registration of a copyright or for registration of an assignment, licence or other document \$ 65

4. Correcting a clerical error in any instrument of record including, without further fee, issuing a corrected certificate of registration of copyright, pursuant to section 61 of the Act, or processing a request to include in the Register of Copyrights any other document affecting a copyright \$ 65

5. Certifying a copy of a document

(a) for the certificate \$ 35

(b) for each page \$.50

6. Providing copies of or extracts from the Register of Copyrights, or copies of certificates, licences or other documents, for each page \$.50