

Copyright Regulations

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SOR/97—457
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 59^a and 62^b of the *Copyright Act*, hereby makes the annexed *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) Correspondence addressed to the Copyright Office may be physically delivered to the Office during ordinary business hours of the Office and shall be considered to be received by the Office on the day of the delivery.

(3) For the purposes of subsection (2), where correspondence addressed to the Copyright Office is physically delivered to the Office outside of its ordinary business hours, it shall be considered to have been delivered to the Office during ordinary business hours on the day when the Office is next open for business.

(4) Correspondence addressed to the Copyright Office may be physically delivered to an establishment that is designated by the Commissioner in the *Canadian Patent Office Record* as an establishment to which correspondence addressed to the Office may be delivered, during ordinary business hours of that establishment, and

(a) where the delivery is made to the establishment on a day that the Office is open for business, the correspondence shall be considered to be received by the Office on that day; and

(b) where the delivery is made to the establishment on a day that the Office is closed for business, the correspondence shall be considered to be received by the Office on the day when the Office is next open for business.

(5) For the purposes of subsection (4), where correspondence addressed to the Copyright Office is physically delivered to an establishment outside of ordinary business hours of the establishment, it shall be considered to have been delivered to that establishment during ordinary business hours on the day when the establishment is next open for business.

(6) Correspondence addressed to the Copyright Office may be sent at any time by electronic or other means of transmission specified in the *Canadian Patent Office Record*.

(7) For the purposes of subsection (6), where, according to the local time of the place where the Copyright Office is located, the correspondence is delivered on a day when the Office is open for business, it shall be considered to be received by the Office on that day.

(8) For the purposes of subsection (6), where, according to the local time of the place where the Copyright Office is located, the correspondence is delivered on a day when the Office is closed for business, it shall be considered to be received by the Office on the day when the Office is next open for business. SOR/2003-211, s. 1.

3.—(1) Except as otherwise provided by the Act or these Regulations, 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. SOR/2003-211, s. 2.

[Without Title]

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) the evidence required by paragraph 57(1)(a) of the Act; and

(b) the fee set out in column 2 of item 2 of the schedule. SOR/2003-211, s. 3.

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 of 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 21 cm by 28 cm but not more than 22 cm by 35 cm, on one side only, with left and upper margins of at least 2.5 cm. SOR/2003-211, s. 4.

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 8 of the schedule is the fee set out in column 2 of that item. SOR/2003-211, s. 5.

Repeal

10. The *Copyright Rules*¹ are repealed.

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

Column 1	Column 2
Item	Service Fee (\$)
1.	<p>Accepting an application for registration of a copyright</p> <p><i>(a)</i> pursuant to section 55 of the Act,</p> <p style="padding-left: 20px;"><i>(i)</i> where the application and fee are submitted on-line to the Copyright Office, via the Canadian Intellectual Property Office web site 50</p> <p style="padding-left: 20px;"><i>(ii)</i> in any other case 65</p> <p><i>(b)</i> pursuant to section 56 of the Act,</p> <p style="padding-left: 20px;"><i>(i)</i> where the application and fee are submitted on-line to the Copyright Office, via the Canadian Intellectual Property Office web site 50</p> <p style="padding-left: 20px;"><i>(ii)</i> in any other case 65</p>
2.	<p>Accepting for registration an assignment or licence of a copyright pursuant to section 57 of the Act 65</p>
3.	<p>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</p>
4.	<p>Correcting a clerical error not committed by the Copyright Office 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,</p> <p style="padding-left: 20px;"><i>(a)</i> where the request and fee are submitted on-line to the Copyright Office, via the Canadian Intellectual Property Office web site 50</p> <p style="padding-left: 20px;"><i>(b)</i> in any other case 65</p>
5.	<p>Providing a certified copy in paper form of a document:</p> <p style="padding-left: 20px;"><i>(a)</i> for each certification 35</p> <p style="padding-left: 20px;"><i>(b)</i> plus, for each page 1</p>
6.	<p>Providing a certified copy in electronic form of a document:</p>

	(a) for each certification	35
	(b) plus, for each copyright to which the request relates	10
7.	Providing a copy in paper form of a document, for each page,	
	(a) where the user of the service makes the copy using Copyright Office equipment	0.50
	(b) where the Copyright Office makes the copy	1
8.	Providing a copy in electronic form of a document:	
	(a) for each request	10
	(b) plus, if the copy is requested on a physical medium, for each physical medium requested in addition to the first	10
	(c) plus, for each copyright to which the request relates	10

SOR/2003-212, ss. 6, 7.

^a S.C. 1993, c. 15, s. 8

^b S.C. 1997, c. 24, s. 37(2)

¹ C.R.C., c. 422