

Copyright Board
Canada



Commission du droit d'auteur
Canada

Ottawa, February 22, 2018

File: 2017-UO/TI-01

Mr. Patriquin:

The Copyright Board has reviewed your licence application received January 9, 2017, for the reproduction of the *Tsimshian Welcome Chant* and has determined that in this instance a licence cannot be issued for the use of this work as not all requirements of section 77 of the *Copyright Act* have been met.

Section 77 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]

The *Tsimshian Welcome Chant* is an ancestral chant which has been passed along for many generations. As such the Board has determined that no licence is required for the use of this work as copyright in it no longer subsists as it is in the public domain.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Gilles McDougall'.

Secretary General
Gilles McDougall