

Copyright Board
Canada



Commission du droit d'auteur
Canada

Ottawa, December 10, 2002

FILE: 2002-UO/TI-13

UNLOCATABLE COPYRIGHT OWNER

Non-exclusive licence issued to John Duffy, Los Angeles, California, for the creation of a derivative work of a motion picture

Pursuant to the provisions of subsection 77(1) of the *Copyright Act*, the Copyright Board grants a licence to John Duffy as follows:

- (1) The licence authorizes the creation of a derivative work of the motion picture "Shoot" produced by Getty Picture Corporation and Essex Enterprises Ltd. in 1976 and published on May 28, 1976. The creation of the derivative work will be done by utilizing digital editing equipment and digital video finishing tools to update the film to modern standards. The end product will consist of the derivative work tied together with the unrestored original work, for the purpose of demonstrating the techniques used to restore the film.

The licence also authorizes the reproduction of the original film on DVD-ROM, DVD and/or video tape, for the purpose of demonstration, instruction and entertainment. It also authorizes the public performance or the communication to the public by telecommunication of the motion picture as part of the exploitation of the work in Canadian film festivals, educational venues, professional film societies, film markets and any such Canadian venue that will promote the restoration of out of print films .

No more than 1,000 copies of the film will be reproduced on DVD-ROMs, DVDs and/or video tapes.

- (2) The licence is for a period of 14 years and expires on December 31, 2016.
- (3) The licence is non-exclusive and valid only in Canada. For other countries, it is the law of that country that applies. The process of restoration and reproduction will be done at a film laboratory and post production services firm located in Canada.
- (4) The issuance of the licence does not release the applicant from the obligation to obtain permission for any other use not covered by this licence.

- (5) For the purpose of this licence, the applicant is considered as the distributor of the film. As such, he will pay a royalty rate of 20% of the distributor's gross receipts from the sale of copies (be it DVD-ROMs, DVDs or video tapes) and 65% of the distributor's gross receipts from all other uses (i.e., film festivals, educational venues, professional film societies, film markets and any venue that will promote the restoration of out of print films), to the Producers' Audio Visual Collective of Canada (PACC). Furthermore, the applicant will pay to PACC an advance royalty of \$300 and will report to PACC, on a quarterly basis, the gross receipts from the sale of copies and other uses mentioned above, thus allowing for recoupement of the advance prior to payment to PACC of any further royalty fee.
- (6) PACC will dispose of the amount paid by the applicant as it sees fit for the general benefit of its members. It undertakes, however, to reimburse any person who establishes before December 31, 2021, ownership of the work covered by this licence.
- (7) The coming into force of this licence is conditional on the filing with the Board of PACC's undertaking to comply with the conditions set out in paragraph (6) above.



Claude Majeau
Secretary General