

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

[TRANSLATION]

Ottawa, November 21, 2005

**FILE 2005-UO/TI-22**

**UNLOCATABLE COPYRIGHT OWNERS**

**Non-exclusive licence issued to Near-Miss Productions Inc., Montréal, Quebec, authorizing the reproduction and incorporation of nine photographs in a documentary film**

Pursuant to the provisions of subsection 77(1) of the *Copyright Act*, the Copyright Board issues a licence to Near-Miss Productions Inc. as follows:

- (1) The licence authorizes the reproduction and incorporation of nine various photographs in the documentary film entitled *Tenerife, le crash du siècle*, co-produced by Near-Miss Productions Inc. in Montréal, Quebec, and *Galaxie Productions* in France.

The cinematographic image of the photographs will appear for a total of 101 seconds in the 90-minute film.

The licence also authorizes the performance in public or the communication to the public by telecommunication of the nine photographs so incorporated and their reproduction in any medium for the purposes of distribution for private performance, as part of the exploitation of the documentary film.

The issuance of this licence does not release the licensee from the obligation to obtain permission for any other use not covered by this licence.

- (2) The licence is for a period of ten years and expires on December 31, 2015.
- (3) The licence is non-exclusive and valid only in Canada. For other countries, it is the law of that country that applies.
- (4) Near-Miss Productions Inc. will pay the sum of \$135 per photo (or \$1,215) to the *Société de droits d'auteur en arts visuels* (SODART), which may dispose of the amount of the royalties set by the licence as it sees fit for the general benefit of its members. SODART undertakes, however, to reimburse any person who establishes, before December 31, 2020, ownership of the copyright in any of the works covered by this licence.

(5) The coming into force of this licence is conditional on SODART filing with the Board the receipt for the amount of royalties set in the licence, accompanied by SODART's undertaking to comply with the conditions set out in paragraph (4) above.

A handwritten signature in black ink that reads "Claude Majeau". The script is cursive and fluid.

Claude Majeau  
Secretary General