

Copyright Board
Canada



Commission du droit d'auteur
Canada

Ottawa, August 25, 2020

FILE 2019-UO/TI-17

UNLOCATABLE COPYRIGHT OWNER

**Non-exclusive licence issued to *Bibliothèque et Archives nationales du Québec (BAnQ)*,
Montréal, Quebec, authorizing the reproduction, the making available and communication
to the public by telecommunication of photographs**

Pursuant to the provisions of subsection 77(1) of the *Copyright Act*, the Copyright Board issues a licence to *Bibliothèque et Archives nationales du Québec (BAnQ)*.

(1) The licence authorizes the reproduction, the making available and the communication to the public by telecommunication and by other means (see Annex for the authorized uses) of the photographic works of M. Jean-Louis Fréchette, published between August 1st, 1955 and September 30, 1961 in the issues of the “Entre-Nous” magazine, which are held at the BAnQ Sherbrooke in the *Fonds P56 de la Mine Johns-Mansville Canada Inc*

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

(3) BAnQ is not authorized to modify the works and must respect the author’s moral rights.

(4) The licence expires on December 31, 2031.

(5) The licence is non-exclusive and valid only in Canada. For other countries, it is the law of that country that applies.

(6) The licensee will pay the sum of seven hundred and forty dollars (\$740) to anybody who establishes, before December 31, 2036, ownership of the copyright in the works covered in this licence.

(7) The copyright owner of the works included in this licence may request the BAnQ to withdraw the works from its Internet portal by presenting a written notice to this effect to the BAnQ. Within a reasonable delay following the reception of this notice, but no later than 45 business days, the BAnQ will remove the works from its Internet portal. Uses of the works completed prior to the withdrawal will remain subject to the licence. The copyright owner who requests the withdrawal of the works is entitled to one third of the royalties if the works are

withdrawn within the year following the issuance of the licence; to two thirds of the royalties if the works are withdrawn after one year but before five years; and to the totality of the royalties after five years.

(8) The BAnQ provides on its portal information relating to the limits imposed by the *Act* or the present licence regarding the uses of the works as well as the rights which benefit the users under the *Act*.

(9) The coming into force of this licence is conditional on BAnQ filing with the Board a *Notice of undertaking* to comply with the conditions set out in paragraph (6) above.

A handwritten signature in black ink, appearing to be 'Lara Taylor', written in a cursive style.

Lara Taylor
Secretary General

**Annex
Authorized Uses**

- Reproduce the works in digital form, make them available and communicate them to the public by telecommunication via the BAnQ's Internet portal.
- Allow users of the BAnQ's Internet portal to use the works for education purposes, private studies or research, on the condition that the source is indicated.
- Reproduce the works, in any form, make them available and communicate them to the public, by any means, in all medias, present and future, including social medias in the context of activities or publications resulting from the BAnQ's missions.