

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

**UNLOCATABLE COPYRIGHT OWNER  
FILE 2023-UO/TI-24**

Ottawa, October 17, 2023

**Application by Ville de Longueuil, Longueuil, Quebec pursuant to subsection 77(1) of the  
*Copyright Act***

[1] The Copyright Board finds that the application does not meet the requirements of section 77 of the *Copyright Act* (the “Act”).

[2] The application seeks to reproduce picture, author unknown, from the René Lévesque Fonds (BAnQ) bearing the number P18, S1, SS4, SSS1, D30, P9.

[3] Subsection 77(1) of the Act 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. [emphasis added]

[4] Furthermore, subsection 2.2(1) of the Act states that

For the purpose of this Act, “publication” means

- (a) in relation to works,
  - (i) making copies of a work available to the public,
  - (ii) the construction of an architectural work, and
  - (iii) the incorporation of an artistic work into an architectural work, and

(b) in relation to sound recordings, making copies of a sound recording available to the public,

but does not include

(c) the performance in public, or the communication to the public by telecommunication, of a literary, dramatic, musical or artistic work or a sound recording, or

(d) the exhibition in public of an artistic work  
[emphasis added]

[5] In the absence of evidence that copies of the work were made available to the public, the Board concludes that the work has not been published in accordance with the meaning of section 2.2(1) of the Act.

[6] As the section 77 requirements are not met, the Copyright Board cannot issue a licence.

Lara Taylor  
Secretary General