

Cour d'appel fédérale

Date: 20120320

Dockets: A-339-11

A-395-11

Citation: 2012 FCA 96

CORAM: SHARLOW J.A.

DAWSON J.A. STRATAS J.A.

BETWEEN:

ASSOCIATION OF UNIVERSITIES AND COLLEGES OF CANADA and THE UNIVERSITY OF MANITOBA and BRANDON UNIVERSITY

Applicants

and

THE CANADIAN COPYRIGHT LICENSING AGENCY OPERATING AS "ACCESS COPYRIGHT"

Respondent

and

COPYRIGHT BOARD OF CANADA

Intervener

Heard at Ottawa, Ontario, on March 20, 2012.

Judgment delivered from the Bench at Ottawa, Ontario, on March 20, 2012.

REASONS FOR JUDGMENT OF THE COURT BY:

SHARLOW J.A.



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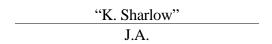
REASONS FOR JUDGMENT OF THE COURT (Delivered from the Bench at Ottawa, Ontario, on March 20, 2012)

SHARLOW J.A.

[1] Before the Court are two applications for judicial review of interlocutory decisions of the Copyright Board rendered in connection with a proposed tariff entitled "Educational Institutions

Tariff (2011-2013)". The decisions under review are dated August 18, 2011 and September 23, 2011.

- [2] Despite the able submissions of counsel for the applicants, we have concluded that there are no special circumstances that would justify the intervention of the Court at this stage of the proceedings before the Copyright Board. This is manifestly a case where the Copyright Board should be permitted to complete its work before the Court is called upon to consider administrative law remedies.
- [3] For that reason, these applications for judicial review will be dismissed with costs payable to the respondent.



FEDERAL COURT OF APPEAL

NAMES OF COUNSEL AND SOLICITORS OF RECORD

DOCKET: A-339-11

(APPEAL FROM INTERLOCUTORY DECISIONS OF THE COPYRIGHT BOARD DATED AUGUST 18, 2011 AND SEPTEMBER 23, 2011)

STYLE OF CAUSE: ASSOCIATION OF

UNIVERSITIES AND COLLEGES OF CANADA and THE UNIVERSITY OF MANITOBA and BRANDON

UNIVERSITY v. THE CANADIAN COPYRIGHT LICENSING AGENCY

(OPERATING AS "ACCESS

COPYRIGHT" and COPYRIGHT

BOARD OF CANADA

PLACE OF HEARING: OTTAWA

DATE OF HEARING: March 20, 2012

REASONS FOR JUDGMENT OF THE COURT BY: (SHARLOW, DAWSON, STRATAS

JJ.A.)

DELIVERED FROM THE BENCH BY: SHARLOW J.A.

APPEARANCES:

Patricia J. Wilson FOR THE APPLICANT

Nancy Brooks FOR THE RESPONDENT

Randall Hofley

Mario Bouchard FOR THE INTERVENER

SOLICITORS OF RECORD:

Osler, Hoskin & Harcourt LLP FOR THE APPLICANT

Blake, Cassels & Graydon LLP FOR THE RESPONDENT

Counsel, Copyright Board of Canada FOR THE INTERVENER