

Federal Court
of Appeal



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.

Federal Court
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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.

“K. Sharlow”

J.A.

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
J.J.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

Blake, Cassels & Graydon LLP

Counsel, Copyright Board of Canada

FOR THE APPLICANT

FOR THE RESPONDENT

FOR THE INTERVENER