

Federal Court



Cour fédérale

**Date: 20170712**

**Docket: T-578-13**

**Citation: 2017 FC 670**

**Ottawa, Ontario, July 12, 2017**

**PRESENT: The Honourable Mr. Justice Phelan**

**BETWEEN:**

**THE CANADIAN COPYRIGHT LICENSING  
AGENCY ("ACCESS COPYRIGHT")**

**Plaintiff/  
Defendant by Counterclaim**

**and**

**YORK UNIVERSITY**

**Defendant/  
Plaintiff by Counterclaim**

**JUDGMENT**

**FOR THE REASONS issued this day, IT IS ORDERED AND ADJUDGED that:**

1. The Plaintiff is entitled to a declaration that the Defendant, York University, either directly or vicariously, from September 1, 2011 to at least December 31, 2013, reproduced and authorized the reproduction of copyright protected works, in whole or in substantial part, the reproduction and authorized reproduction of which obliges the Defendant to pay royalties to the Plaintiff under the Access

Copyright Interim Post-Secondary Education Institutions Tariff 2011-2013 [the Approved Tariff].

2. The Defendant shall pay the royalties specified in the Approved Tariff for the periods specified therein.
3. The Plaintiff may apply for an injunction prohibiting the Defendant from reproducing or authorizing reproduction of all copyright protected works falling within the Approved Tariff and offering such reproduction for sale, rent or distribution until all amounts of royalties plus interest are paid.
4. The Defendant shall pay pre-judgment and post-judgment interest on all royalty amounts that are due in accordance with the *Federal Courts Act*, RSC 1985, c F-7.
5. The Plaintiff is entitled to costs to be determined at a later date.
6. The Defendant's counterclaim and claim for declaratory relief is dismissed.
7. The Court shall remain seized of this matter to address issues arising from this Judgment and Reasons including but not limited to the calculation of amounts which are due or may become due.

“Michael L. Phelan”

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Judge