



CANADIAN PRIVATE COPYING COLLECTIVE
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Canadian Private Copying Collective to Appeal Federal Court Ruling on Digital Audio Recorders

(Toronto) The Canadian Private Copying Collective (CPCC) announced today that it will seek leave to appeal the December 14, 2004 ruling of the Federal Court of Appeal to the Supreme Court of Canada. That ruling concluded that the levy set by the Copyright Board on the internal memory of digital audio recorders, such as the iPod, is invalid.

In seeking leave to appeal to the Supreme Court, CPCC will argue that the Appeal Court erred in deciding that the Copyright Board did not have jurisdiction to impose a levy on memory permanently embedded in digital audio recorders.

CPCC Chair Claudette Fortier commented "Creators of recorded music deserve remuneration for the use of their work. It is our responsibility to uphold that principle even when new developments in technology change the ways in which Canadians make private copies of music."

In its December 12, 2003 decision imposing a private copying levy on memory permanently embedded in digital audio recorders, the Copyright Board stated: "When the Board speaks of a digital audio recorder, it speaks of a device that is designed, manufactured and advertised for the purpose of copying sound recordings of musical works. It follows that non-removable memory permanently embedded in such a device falls within the definition of an "audio recording medium" under the [*Copyright*] Act."

Since December 12, 2003, CPCC has collected a levy on non-removable memory, including both flash memory and hard drives, that is embedded in a digital audio recorder. The levies set by the Board were \$2 for non-removable memory capacity of up to 1 Gigabyte (GB) in a digital audio recorder, \$15 for memory capacity of more than 1 GB and up to 10 GB, and \$25 for memory capacity of more than 10 GB.

The Canadian Private Copying Collective (CPCC) is a non-profit agency charged with collecting and distributing private copying levies. Established in 1999, CPCC is a collective of collectives that represent authors, composers, music publishers, artists and record companies.

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