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Canadian Private Copying Collective requests combined hearing for Copyright Board challenges

(Toronto) — The group that collects and distributes the levy on blank media has today filed a court motion requesting that the three appeals to the Copyright Board be heard together.

“Three groups have appealed the Copyright Board’s decision on the Canadian Private Copying Collective’s 2003-2004 tariff,” commented Claudette Fortier, Chair of the Board of Directors for the CPCC. “While we have widely disparate points of view, we think it would serve the public interest for the court to hear the appeals together and on an expedited basis.”

In December 2003, the Copyright Board froze all existing private copying levies at their 2002 levels. In addition, it extended the levy to include non-removable memory permanently embedded in digital audio recorders (MP3 players).

Subsequently, the Canadian Private Copying Collective (CPCC) asked the court to set aside an aspect of the decision that declared the CPCC’s zero-rating program illegal. The zero-rating program allows any business, institution or non-profit organization to be certified to purchase blank media royalty-free for business use.

Four computer hardware and software manufacturers also appealed the Copyright Board’s decision imposing a levy on digital audio recorders. Finally, a third group including the Retail Council of Canada asked the court to declare the private copying provisions of the Copyright Act illegal, and that the levy on digital audio recorders be set aside.

In addition to requesting that the three appeals be heard together, CPCC has requested an expedited process.

The private copying law came into effect in 1998 in recognition of the increasing number of Canadians who were making unauthorized copies of music for their own personal use. The levy was put in place to ensure that the rights holders in recorded music receive some compensation for their work and investment.

From 2000 to 2002 the tariff generated \$59.3 million in revenue. Of that amount \$54.4 million was available for distribution to authors, performers and makers of sound recording.

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

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