

Federal Court



Cour fédérale

Date: 20090709

Docket: T-2009-07

Ottawa, Ontario, July 9, 2009

PRESENT: The Honourable Mr. Justice Beaudry

BETWEEN:

CANADIAN PRIVATE COPYING COLLECTIVE

Plaintiff

and

RED COAST IMPORTS INC.

Defendant

**ORDER**

UPON Plaintiff's Motion for Default Judgment pursuant to Rule 369 of the *Federal Courts Rules* dated June 25, 2009;

AND UPON reading Plaintiff's written representations as well as the Affidavits and authorities supporting the motion;

**THIS COURT DECLARES that:**

- I. the Defendant, Red Coast Imports Inc. ("Red Coast"), has failed to report and pay to the CPCC the private copying levies certified by the Copyright Board of Canada in accordance with the provisions of Part VIII of the Copyright Act, R.S.C. c. C-42 on

account of the importation into, and the sale or other disposition by the Defendant in, Canada of blank audio recording media;

**THIS COURT ORDERS that:**

2. Red Coast pay to the CPCC unpaid levies in the sum of \$378,767.75 pursuant to the applicable private copying tariffs certified by the Copyright Board of Canada since December 18, 1999;
3. Red Coast pay to the CPCC, pursuant to the applicable private copying tariffs, outstanding interest accrued up to May 31, 2009 in the amount of \$94,793.48 on the late payment of the levies in (b) above;
4. Red Coast pay \$1,893,838.75 to the CPCC, an amount equal to five (5) times the amount of private copying levies due in (b) ( $\$378,767.75 \times 5$ ), the whole pursuant to section 88(2) of the Act;
5. Red Coast allow the CPCC to audit Red Coast's books and records pursuant to section 9 of the applicable private copying tariffs and pay any additional amounts, including audit fees, which might be shown to be owing as a result of such audit; and
6. Red Coast comply with the requirements, including the reporting requirements, and with the payment and reporting calendar set out in the applicable private copying tariffs, for as long as Red Coast remains a manufacturer or importer subject to the provisions of the Act and the private copying tariffs certified thereunder; and

7. Red Coast pay CPCC's costs relating to this action and this motion.

"Michel Beaudry"

Judge