

Federal Court



Cour fédérale

**Date: 20100520**

**Docket: T-1699-08**

**Montréal, Quebec, May 20, 2010**

**PRESENT: Richard Morneau, Esq., Prothonotary**

**BETWEEN:**

**CANADIAN PRIVATE COPYING COLLECTIVE**

**Plaintiff**

**and**

**9170-2894 QUÉBEC INC.  
(d.b.a. GIANT IMPORTS)**

**Defendant**

**ORDER**

**UPON** *ex parte* motion by the plaintiff for default judgment against the defendant pursuant to rule 210 of the *Federal Courts Rules* dated April 15, 2010;

**AND UPON** reading the materials filed by the plaintiff and hearing the oral submissions by the plaintiff's counsel;

**THIS COURT DECLARES THAT:**

1. The defendant 9170-2894 Québec Inc. (d.b.a. Giant Imports) ("**Giant Imports**") 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 (the "*Act*") on account of the importation, and the sale or other disposition by the Defendant in Canada of blank audio recording media;

**THIS COURT ORDERS THAT:**

2. Giant Imports pay to the CPCC unpaid levies in the sum of \$799,145.13 pursuant to the applicable private copying tariffs certified by the Copyright Board of Canada since December 18, 1999;
3. Giant Imports pay to the CPCC, pursuant to the applicable private copying tariffs, outstanding interest accrued up to April 14, 2010 in the amount of \$16,900.38 on the late payment of the levies in (2) above;
4. Giant Imports pay \$3,995,725.65 to the CPCC, an amount equal to five (5) times the amount of private copying levies due in (2) ( $\$799,145.13 \times 5$ ), the whole pursuant to section 88(2) of the *Act*;
5. Giant Imports provide to the plaintiff, within thirty (30) days of judgment herein, detailed statements of account prepared in accordance with subsection 82(1)(b) of the *Act* and the Tariffs;
6. Giant Imports allow the CPCC to audit Giant Imports' books and records pursuant to section 9 of the applicable Tariffs and pay any additional amounts, including audit fees, which might be shown to be owing as a result of such audit;

7. Giant Imports comply with the requirements, including the reporting requirements, and with the payment and reporting calendar set out in the applicable Tariffs, for as long as Giant Imports remains a manufacturer or importer subject to the provisions of the *Act* and the Tariffs;
8. Giant Imports keep and preserve, for a period of six (6) years, detailed records and original source documents sufficient to determine all sources of supply of blank audio recording media, the number of media acquired or manufactured and the manner in which they were disposed of, such that the plaintiff can readily ascertain the amounts payable and the information required under the Tariffs with respect to Giant Imports' manufacture, importation and dispositions of blank audio recording media;
9. Giant Imports pay to the CPCC pre-judgment and post-judgment interest on all monetary relief granted herein pursuant to sections 36 and 37 of the *Federal Courts Act*;
10. Giant Imports pay the plaintiff's costs relating to this action and this motion.

**“Richard Morneau”**

---

Prothonotary