

Federal Court



Cour fédérale

Date: 20090519

Docket: T-1097-07

Toronto, Ontario, May 19, 2009

PRESENT: The Honourable Mr. Justice Hughes

BETWEEN:

CANADIAN PRIVATE COPYING COLLECTIVE

Plaintiff

and

RAKSTAK ENTERPRISES INC.

Defendant

ORDER

UPON the *ex parte* Motion of then Plaintiff in writing pursuant to Rule 369, seeking an order pursuant to Rule 210(4) for judgment against the defendant, Rakstak Enterprises Inc.;

AND UPON reviewing the Plaintiff's Motion Record dated April 23, 2009 and the Affidavit of Karen Davidson dated April 21, 2009;

THIS COURT ORDERS that

- (a) Rakstak pay to the CPCC, within thirty (30) days of judgment herein, unpaid levies in the sum of \$57,043.14 pursuant to *Copyright Act* and the applicable Private Copying Tariffs certified by Copyright Board of Canada since December 18, 1999;
- (b) Rakstak pay to the CPCC, pursuant to the applicable Private Copying Tariffs, outstanding interest accrued up to March 10, 2009 in the amount of \$9,319.10 (plus any further interest) on the late payment of the levies in (a) above;
- (c) Rakstak pay to the CPCC the costs of the audit conducted pursuant to section 12 of the Private Copying Tariffs, which was conducted pursuant to the Order of the Honourable Mr. Justice Hughes dated March 10, 2008, in the amount of \$18,527.58 (inclusive of GST);
- (d) Rakstak must comply with the reporting requirements and with the payment and reporting calendar set out in the applicable Private Copying Tariffs, for as long as Rakstak remains a manufacturer or importer subject to the provisions of the *Copyright Act* and the Private Copying Tariffs certified thereunder; and
- (e) the CPCC is entitled to costs of this action and motion.

“Roger T. Hughes”

Judge