

IN THE SUPREME COURT OF CANADA
[On Appeal from the Federal Court of Appeal]

B E T W E E N:

SOCIETY OF COMPOSERS, AUTHORS AND MUSIC PUBLISHERS OF CANADA
APPELLANT
(Appellant)

- and -

**ENTERTAINMENT SOFTWARE ASSOCIATION, ENTERTAINMENT SOFTWARE
ASSOCIATION OF CANADA, APPLE INC., APPLE CANADA INC., BELL CANADA,
QUEBECOR MEDIA INC., ROGERS COMMUNICATIONS, SHAW COMMUNICATIONS
and PANDORA MEDIA INC.**
RESPONDENTS
(Respondents)

- and -

**SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY AND PUBLIC INTEREST
CLINIC, CANADIAN MUSIC PUBLISHERS ASSOCIATION CARRYING ON BUSINESS
AS “MUSIC PUBLISHERS CANADA” AND PROFESSIONAL MUSIC PUBLISHERS
ASSOCIATION, CANADIAN ASSOCIATION OF LAW LIBRARIES, LIBRARY FUTURES
INSTITUTE, and ARIEL KATZ**
INTERVENERS

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**FACTUM OF THE INTERVENER,
SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY
AND PUBLIC INTEREST CLINIC**

Pursuant to Rule 42 of the Rules of the Supreme Court of Canada

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AND BETWEEN:

MUSIC CANADA

APPELLANT
(Respondent)

- and -

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ASSOCIATION OF CANADA, APPLE INC., APPLE CANADA INC.,
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PART I – OVERVIEW

1. **The “making available” provision of s. 2.4(1.1) does not give rise to a separate and distinct royalty entitlement under the *Copyright Act*.**¹ Parliament did not intend to grant a separate and freestanding right to the act of making a work available to the public for on-demand transmission, whether for communication or reproduction purposes. Instead, on-demand streaming constitutes a communication for which the copyright owners are already entitled to a tariff irrespective of the fact that each stream must be made available for transmission to users on demand.
2. **Interpreting the communication right to include making content available for on-demand streaming is consistent with Canada’s international treaty obligations.** The Appellants’ approach to s. 2.4(1.1) fails to adequately reflect the values and principles of international human rights treaties that Canada has signed and ratified, including the right for everyone to take part in cultural life and enjoy the benefits of scientific progress and its applications.
3. **A technologically neutral interpretation of s. 2.4(1.1) requires equal treatment of similar activities involving different technologies.**² Parliament signaled no departure from this principle in enacting the making available provisions. Interpreting s. 2.4(1.1) as giving rise to a new compensable right in the context of on-demand streaming imposes an additional layer of protection and a fee based solely on delivery of the work through on-demand Internet services. To do so would impose a gratuitous cost for the use of a more efficient, Internet-based technology.
4. **Non-neutral interpretation of the making available provisions raise significant policy concerns:** the further fragmentation of copyright, the spectre of royalty-stacking, the encumbrance of collective administration, the creation of uncertainty in the marketplace and the resulting emergence of disincentives to innovate in the marketplace. The provisions of the *Act* should not be interpreted redundantly so as to allow royalty stacking over the same activity.

PART II – POSITION ON APPELLANTS’ QUESTION

5. CIPPIC argues that statutory interpretation of the “making available” provision in s. 2.4(1.1) of

¹ *Copyright Act*, RSC 1985, c C-42 [*Copyright Act* or *Act*].

² *Entertainment Software Association v. Society of Composers, Authors and Music Publishers of Canada*, 2012 SCC 34 (CanLII), [2012] 2 SCR 231, [*ESA v. SOCAN*], paras 2 and 5; *Canadian Broadcasting Corp. v. SODRAC 2003 Inc.*, 2015 SCC 57 (CanLII), [2015] 3 SCR 615 [*CBC v. SODRAC*].

the *Copyright Act* produces no separate and distinct royalty entitlement.

PART III – STATEMENT OF ARGUMENT

6. Since 2007, SOCAN has been able to administer royalties on behalf of right-holders for the on-demand streaming of musical works.³ The Appellants now claim rights-holders are entitled to another tariff through the introduction of subsection 2.4(1.1) of the *Copyright Act* for activity with the same end result: making those works available to allow users to stream musical works on demand.

7. Interpreting subsection 2.4(1.1) as giving rise to a *sui generis* “making available” right and subsequent tariff entitlement would be inconsistent with an approach that construes copyright in light of Parliament’s intent and in a technologically neutral, balanced, and economically efficient manner.

A. Parliament did not intend to create a distinct and compensable “making available” right

8. Interpretation of the “making available” provisions of the *Copyright Act* is an exercise in statutory interpretation. The modern approach to statutory interpretation construes the words of the Act “in their entire context and in their grammatical and ordinary sense harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.”⁴

9. The *Interpretation Act* requires that every statute “be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.”⁵ Statutes are considered to be “always speaking” and are to be applied “to the circumstances as they arise, so that effect may be given to the enactment according to its true spirit, intent and meaning.”⁶

10. There is no evidence in the legislative history of the *Copyright Modernization Act* (“CMA”) indicating that Parliament intended to impose an additional layer of protection and fees for the “making available” of works pursuant to s. 2.4(1.1) of the *Copyright Act*.⁷

³ *Rogers Communications Inc. v. Society of Composers, Authors and Music Publishers of Canada*, 2012 SCC 35, [2012] 2 SCR 283 [*Rogers v. SOCAN*], para 1; *ESA v. SOCAN*, para 2; Government of Canada, “[Study on the economic impacts of music streaming platforms on Canadian creators](#)” (2019) at Table 7.

⁴ *Rizzo & Rizzo Shoes Ltd. (Re)*, [1998] 1 SCR 27, para. 22, citing Elmer Driedger, *Construction of Statutes*, 2nd ed. (Toronto: Butterworths, 1983) at 87.

⁵ *Interpretation Act*, RSC 1985, c I-21, s. 12 [*Interpretation Act*].

⁶ *Interpretation Act*, s. 10.

⁷ *Copyright Modernization Act*, SC 2012, c 20 [CMA]; [Bill C-11](#), 41st Parl., 1st Sess. (introduced in September 2011, received royal assent on June 29, 2012) [Bill C-11].

11. The legislative history demonstrates that the *CMA* did not provide a new way to pay artists. Opposition MPs, speaking to the bill, shared the government’s view that the *CMA* would create no new payment entitlements:

- “For the benefit of the various stakeholders, we need to create a fair system of royalties for artists. **This bill grants several new privileges concerning access to content, but it does not provide any new ways to pay artists.**”⁸
- “A balanced bill would take the needs of creators and educational institutions into account, **but this bill is not balanced and in no way compensates for the losses that certain authors will face.**”⁹
- “**The bill would grant a range of new access privileges but it would not increase opportunities for remuneration for artists.** This new playing field would profoundly affect the ability of artists to survive, something that all of us have seen first-hand in our ridings. Artists and creators make our communities worth living in. They deserve access to fair compensation opportunities for their work. Without those opportunities, we risk destroying our creative communities altogether.”¹⁰

12. The Appellant SOCAN expressed to parliamentarians that it believed the *CMA* “should be amended in order to facilitate access to creative content via new media and to ensure that creators are fairly compensated for the use of their creative content via new media.”¹¹ This is another indication that s. 2.4(1.1) as proposed did not – and does not – provide another layer of compensation to creators for their works, including through a separate, compensable “making available” right on top of communication rights for which rights-holders already receive royalties.

13. This Court has confirmed that nothing in the wording of s. 3(1)(f) of the *Copyright Act* excludes on-demand technologies from its scope or restricts communication to the public to a purely

⁸ House of Commons, *Official Report (Hansard)*, 41st Parl., 1st Sess., Vol. 146, No. 034 (Oct. 21, 2011), at [1240](#) (Hon. S. Chicoine).

⁹ *Ibid*, at [1255](#) (Hon. M. Pacetti).

¹⁰ *Ibid*, at [1315](#) (Hon. M. Leslie).

¹¹ House of Commons, *Official Report (Hansard)*, 41st Parl., 1st Sess., Vol. 146, No. 046 (Nov. 1, 2011), at [1820](#) (Hon. P. Jacob).

non-interactive context.¹² In other words, s. 3(1)(f) captures the on-demand streaming of works. This Court held in *ESA v. SOCAN* that on-demand streaming of works constitutes a communication and not reproduction. Accordingly, the Act already provides SOCAN with a royalty entitlement for the activity at issue: the on-demand streaming of musical works.

B. The flexible “umbrella solution” allows s. 2.4(1.1) to elucidate the communication right

14. Interpreting s. 2.4(1.1) as an elucidation of the scope of “communication to the public by telecommunication” does not violate Canada’s obligations pursuant to the flexible “umbrella solution” found in the *WIPO Copyright Treaty* (“WCT”).¹³

15. International law is binding on Canada, but “Canadian legislatures are free to depart from it ... [and i]n the event of a conflict between legislation and the terms of an international agreement, the legislation prevails.”¹⁴ International treaties have no “direct” legal effect of their own within Canadian legal system; they must be transformed or implemented through a domestic law-making process.¹⁵ Legislation is also presumed to conform to international law, and courts will strive to avoid constructions of domestic law that violate international obligations unless the statute’s wording clearly compels that result.¹⁶

16. The “umbrella solution” was the result of a compromise that needed to be reached due to the differing approaches by the EU and the US regarding the proper copyright regulation for the interactive, on-demand dissemination of works.¹⁷ The result of the debates giving rise to Article 8, after which subsection 2.4(1.1) was fashioned, has meant that WCT Member States are “free to choose the more appropriate way to implement [the provision] into national law: for instance as a sub-right of the communication to the public right, as a stand-alone right or via a combination of pre-

¹² *Rogers v. SOCAN*, para 35.

¹³ [World Intellectual Property Organization \(WIPO\) Copyright Treaty](#) (adopted in Geneva on December 20, 1996) [WCT]; Mihaly Ficsor, [Copyright in the Digital Environment](#), WIPO/CR/KRT/05/7 (2005), para 60 [Ficsor, *Digital Environment*].

¹⁴ Sullivan, *Statutory Interpretation*, at 279.

¹⁵ John Currie, *Public International Law*, 2nd ed. (Toronto: Irwin Law, 2008) at 235.

¹⁶ *R. v. Hape*, 2007 SCC 26 (CanLII), [2007] 2 SCR 292, para 53.

¹⁷ Ficsor, *Digital Environment*, para 59.

existing rights.”¹⁸

17. Mihaly Ficsor, a primary architect of the WCT, stated that:

[T]he Treaty first extends the applicability of the right of communication to the public to all categories of works, and then clarifies that that right also covers transmissions in interactive systems described in a legal-characterization-free manner. ...

[W]hen [Article 8] was discussed in Main Committee I, it was stated — and no delegation opposed the statement — that Contracting Parties are free to implement the obligation to grant exclusive right to authorize such "making available to the public" also through the application of a right other than the right of communication to the public or through the combination of different rights as long as the acts of such "making available" are fully covered by an exclusive right (with appropriate exceptions).¹⁹

18. Member States are not required to implement Article 8 of the WCT in the manner suggested by the Appellants. American implementation of Article 8 of the WCT required no change to the substance of U.S. copyright law. The exclusive rights in s. 106 of the U.S. *Copyright Act*, when taken together, cover the full range of activity encompassed by Article 8 of the WCT.²⁰ Canada’s similar approach to making available and communication rights argues for a similar outcome.

19. The concept of “making available” clarifies that the performance and communication right includes on-demand streaming for which SOCAN is already entitled to compensation. This Court has confirmed that the WCT’s principal innovation is “its specification that the right of communication to the public includes a right of ‘making available to the public of [literary and artistic] works in such a way that members of the public may access those works from a place and at a time individually chosen by them.’”²¹ Rothstein J held in *Rogers v. SOCAN* that recognizing that a communication of a work may occur through on-demand transmissions of works is not “out of step” with Article 8 of the WCT and international thinking on this issue.²²

¹⁸ Gaetano Dimita, “The WIPO Right of Making Available”, in Paul Torremans, ed, *Research Handbook on Copyright Law* (Cheltenham, UK: Edward Elgar Publishing, 2018), 135 [Dimita, *Making Available*], at 138, citing Silke von Lewinski, *International Copyright Law and Policy* (Oxford, UK: Oxford University Press, 2008), 428-429.

¹⁹ Ficsor, *Digital Environment*, para 60.

²⁰ United States Copyright Office, “[The Making Available Right in the United States](#)” (2016), at 2; Dimita, *Making Available*, at 161.

²¹ *Rogers v. SOCAN*, para 47.

²² *Ibid*, para 49.

20. When determining how to interpret the provisions of the *Copyright Act*, courts must “avoid a construction that would place Canada in breach of [its] obligations” under international human rights treaties.²³ They are also to prefer a construction that reflects the values and principles embodied in international human rights treaties,²⁴ including the *International Covenant on Civil and Political Rights*²⁵ and the *International Covenant on Economic, Social and Cultural Rights*.²⁶

21. The Appellants’ approach fails to adequately reflect the values and principles of international human rights treaties that Canada has signed and ratified, including the right for everyone to take part in cultural life and enjoy the benefits of scientific progress and its applications.²⁷ The Appellants’ interpretation of s. 2.4(1.1) would disrupt the marketplace for the distribution of digital content, introduce transaction costs and market inefficiencies that stifle innovation and entrepreneurship in Canada, and reduce consumer welfare and hurt creators by unduly complicating the collective administration of copyright in Canada. This approach fails to adequately reflect the values of international human rights treaties, including the values of non-discrimination²⁸ as well the rights to take part in cultural life and enjoy the benefits of scientific progress and its applications.²⁹

C. A technologically neutral reading of the making available provisions finds no new entitlements.

22. The principle of technological neutrality governs both interpretation and application of the *Copyright Act*.³⁰ Technological neutrality is more than merely an interpretational aid; it is grounded in the very objects of the Act itself in balancing creator and user interests:

The principle of technological neutrality is recognition that, absent parliamentary intent to the contrary, the *Copyright Act* should not be interpreted or applied to favour or discriminate against any particular form of technology. It is derived from the balancing of user and right-holder interests discussed by this Court in *Théberge*... . Because this long-standing principle informs the *Copyright Act* as a whole, it must be maintained across all technological contexts: “The traditional balance between authors and users should be preserved in the digital

²³ *R v. Hape*, para 53.

²⁴ *Ibid.*

²⁵ ICESC.

²⁶ [International Covenant on Civil and Political Rights](#), 19 December 1966, 999 UNTS 171 (entered into force 23 March 1976, accession by Canada 19 May 1976) [ICCPR].

²⁷ [International Covenant on Economic, Social, and Cultural Rights](#), 16 December 1966, 993 UNTS 3 (entered into force 03 January 1976, accession by Canada 19 August 1976) [ICESC].

²⁸ ICCPR, art. 26.

²⁹ ICESC, art. 15.

³⁰ *CBC v. SODRAC* at para. 68.

environment . . .”³¹

23. While this Court has been consistent in interpreting the *Act* in a technologically neutral manner, different cases have adopted different approaches to neutrality.³² Conservative approaches to technological neutrality look for textual signals that Parliament intended to treat different technological approaches to similar dealings; more substantive approaches to technological neutrality look to common outcomes to common activities, regardless of the technology involved.³³ The Appellants’ approach to technological neutrality fails either approach.

24. There has been a longstanding historical connection between performance and communication that still exists today.³⁴ There is no evidence that Parliament intended to sever this relationship based on the 2012 amendments to the *Copyright Act*. The Respondents’ factums point to the absence of textual signals that the making available provisions manifest a Parliamentary intention to create new remunerative entitlements.³⁵ On the contrary, Parliament intended the making available provisions to have a technologically neutral effect. The objects of the *CMA* include an explicit avowal to “ensure that [the Act] remains technologically neutral”.³⁶ The government’s communications with respect to the intent and impact of Bill C-11 reflect this commitment. The government Backgrounder announcing the legislation promised that the Bill would “establish rules that are technologically neutral, so they are flexible enough to evolve with changing technologies and the digital economy, while ensuring appropriate protection for both creators and users.”³⁷ A publication on stakeholder consultations explained that “Canadians told us they wanted a technology-neutral framework that would stand the test of time” and that “[t]he Bill includes provisions that are technology neutral and reflect the reality of an ever-evolving media and technological landscape.”³⁸

³¹ *CBC v. SODRAC* at para 66, citing *Théberge v Galerie d’Art du Petit Champlain Inc.*, 2002 SCC 34 at para 30 and *ESA v. SOCAN* at para. 8. See also *ESA v. SOCAN* at paras 2 and 5.

³² See Carys Craig, “[Technological Neutrality: \(Pre\)Serving the Purposes of Copyright Law](#)”, in Michael Geist, ed., *The Copyright Pentology: how the Supreme Court of Canada shook the foundations of Canadian copyright law*, (Ottawa: University of Ottawa Press, 2013) and Carys Craig, “[Technological Neutrality: Recalibrating Copyright in the Information Age](#)”, (2016) 17:2 *Theoretical Inquiries in Law* 601 [Craig, “Recalibrating Copyright”].

³³ See, e.g., the contrasting approaches in the majority and dissenting decisions in *ESA v SOCAN*.

³⁴ *ESA v. SOCAN*, para 12.

³⁵ See, e.g., the factum of *ESA* at paras 56-69.

³⁶ *CMA*, Summary.

³⁷ Government of Canada, “[Harper Government Delivers on Commitment to Reintroduce Copyright Modernization Act](#)” (September 29, 2011).

³⁸ Government of Canada, “[What We Heard During the 2009 Consultations](#)” (2011).

25. The Appellants suggest their approach is neutral because it treats consistently a mere preparatory act for all kinds of services, whether download or streaming services.³⁹ This atomistic approach loses sight of the goal of technologically neutral interpretations of the Act: to treat like dealings alike regardless of the technology used, absent a Parliamentary signal to do otherwise. As Professor Craig warns, “the more individualistic and rigid our vision of legal rights, the less technologically neutral our regulation of information is likely to be.”⁴⁰

26. Performance-based activities should continue to be treated as performances for the purposes of remuneration under the *Copyright Act*. Justice Rothstein’s *dicta* in *Rogers v. SOCAN* leaves little doubt that on-demand streaming already constitutes a communication for which the appellant is entitled to a tariff irrespective of the fact that each stream must be made available for transmission to users at the time and place of their choosing.⁴¹ Citing international copyright scholar Jane Ginsburg, this Court also concluded that “[t]he core concept of ‘making available’ ... can fairly be called neither a reaffirmation nor a novelty, for it resolves an ambiguity as to whether the old communication to the public rights accommodated or excluded ‘pull technologies.’”⁴²

27. In *Entertainment Software Association v. Society of Composers, Authors and Music*, this Court held that streams—but not downloads—of a work constitute a “communication” under s. 3(1)(f) of the *Act*.⁴³ In order for users to stream works on demand, the work needs to be made available to the public. This Court also made clear that the communication right in s. 3(1)(f) is not a *sui generis* right in addition to the three rights of reproduction, performance, and publication.⁴⁴

28. Interpreting s. 2.4(1.1) as giving rise to a new compensable right in the context of on-demand streaming imposes an additional layer of protection and fees based solely on delivery of the work through on-demand Internet channels. Doing so imposes a gratuitous cost for the communication of works through a more efficient, Internet-based technology. Taking the approach of the Appellants would create “artificial entitlements to compensation under the *Copyright Act* for incidental activities

³⁹ See *Factum of Music Canada* at paras 80-81, and *Factum of SOCAN* at paras 142-152.

⁴⁰ Craig, “Recalibrating Copyright” at 604.

⁴¹ *Rogers v. SOCAN*, para 56.

⁴² *Rogers v. SOCAN*, para 48, citing J. C. Ginsburg, “The (new?) right of making available to the public”, in D. Vaver and L. Bently, eds., *Intellectual Property in the New Millennium: Essays in Honour of William R. Cornish* (2004), 234, at p. 246).

⁴³ *ESA v. SOCAN*, para 4.

⁴⁴ *ESA v. SOCAN* para 42

that were never intended to be covered by the *Act*.⁴⁵

D. Non-neutral interpretations of the making available provisions fragment copyright, promotes royalty-stacking and undermines policy objectives of the Act

29. Non-neutral interpretation of the making available provisions raise policy concerns: the further fragmentation of copyright, the spectre of royalty-stacking, the encumbrance of collective administration, and the creation of marketplace uncertainty and resulting disincentives to innovate. Interpretation of the *Copyright Act* must balance promoting the public interest in the encouragement and dissemination of works and obtaining a just reward for the creator, which in turn requires giving due weight to the “limited nature” of creators’ rights.⁴⁶ This balance is off where copyright’s scope depends on the business model chosen for transmitting works to consumers.⁴⁷

30. This Court confirmed that “in crassly economic terms it would be as inefficient to overcompensate artists and authors for the right of reproduction as it would be self-defeating to undercompensate them.”⁴⁸ A severable and distinct compensable communication right in subsection 2.4(1.1) would further fragment copyright, with the effect of overcompensating copyright owners.

31. The appellants’ approach to s. 2.4(1.1) embraces copyright royal stacking, which is the “layering of multiple payments for permission—through a certified tariff, collective blanket licence or individual contract—to use copyright-protected subject matter.”⁴⁹ This approach violates the central tenet of statutory interpretation is to construe the Act as a “harmonious whole”, instead envisioning a *Copyright Act* that is fractured and myopically atomistic. This Court has rightly been wary of an interpretation of creators’ reproduction and performance rights that would exacerbate the problem of copyright royalty-stacking.⁵⁰

32. As Professor de Beer observes:

[A] more streamlined system of copyright licensing would increase certainty and reduce transaction costs, thereby growing the market for copyright-protected content. In the long run,

⁴⁵ *CBC v. SODRAC*, para 170.

⁴⁶ *ESA v. SOCAN*, para 7, citing *Théberge v. Galerie d’Art du Petit Champlain inc.*, 2002 SCC 34.

⁴⁷ *Rogers v. SOCAN*, para 40.

⁴⁸ *ESA v. SOCAN*, para 7.

⁴⁹ Jeremy de Beer, “[Copyright Royalty Stacking](#)” in Michael Geist, ed., *The Copyright Pentology: how the Supreme Court of Canada shook the foundations of Canadian copyright law*, (Ottawa: University of Ottawa Press, 2013), para 2 [de Beer].

⁵⁰ *Rogers v. SOCAN*.

this would lead to more commercial opportunities for entrepreneurial upstarts seeking to establish new businesses offering innovative products and services in creative industries, more choices for consumers in the legal market for creative content and, ultimately, more money for creators individually and in the aggregate.⁵¹

33. It has been argued that copyright fragmentation and royalty-stacking problems can be effectively administered by collective management of copyright and the tariff-setting procedures of the Copyright Board.⁵² These arguments wave away the time, expense, and uncertainty involved in Board proceedings. More problematically, they ignore the problems involved in clearing multiple exclusive rights for a single activity. This amounts to more than just “double-dipping”; offering multiple tariff entitlements to fragmented administrators of a single copyright for a single work would “undermine Parliament’s purpose in creating the collective societies in the first place, namely to efficiently manage and administer different copyrights under the Act.”⁵³

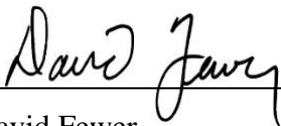
PART IV – COSTS

34. CIPPIC will not seek costs in this matter and asks that costs not be awarded against it.

PART V – ORDER SOUGHT

35. CIPPIC seeks permission to present oral submissions in support of its position.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 27th day of October, 2021.



David Fewer

Counsel for the Intervener

Samuelson-Glushko Canadian Internet Policy and Public Interest Clinic (CIPPIC)

⁵¹ de Beer at 336. See also Jeremy de Beer, “[Making Copyright Markets Work for Creators, Consumers and the Public Interest](#)”, in R. Giblin and K. Weatherall, eds., *What If We Could Reimagine Copyright?* (Canberra: ANU Press, 2017).

⁵² See, e.g., Daniel Gervais, “[The Internet Taxi: Collective Management of Copyright and the Making Available Right, after the Pentalogy](#)”, in Michael Geist, ed., *The Copyright Pentalogy: how the Supreme Court of Canada shook the foundations of Canadian copyright law*, (Ottawa: University of Ottawa Press, 2013) at paras 52-55.

⁵³ *ESA v. SOCAN*, para 11.

PART VI – TABLE OF AUTHORITIES

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9. Government of Canada, “ Study on the economic impacts of music streaming platforms on Canadian creators ” (2019)	6
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3. Interpretation Act , RSC 1985, c I-21, s. 12	8
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1. House of Commons, <i>Official Report (Hansard)</i> , 41st Parl., 1st Sess., Vol. 146, No. 046 (Nov. 1, 2011), at 1820 (Hon. P. Jacob)	12
4. House of Commons, <i>Official Report (Hansard)</i> , 41st Parl., 1st Sess., Vol. 146, No. 034 (Oct. 21, 2011) at 1255 (Hon. M. Pacetti)	11
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