

May 5, 2011

Le 5 mai 2011

Coram: McLachlin C.J. and Abella and  
Cromwell JJ.

Coram : La juge en chef McLachlin et les  
juges Abella et Cromwell

**BETWEEN:**

Province of Alberta as represented by the Minister of Education; Province of British Columbia as represented by the Minister of Education; Province of Manitoba as represented by the Minister of Education, Citizenship and Youth; Province of New Brunswick as represented by the Minister of Education; Province of Newfoundland and Labrador as represented by the Minister of Education; Northwest Territories as represented by the Minister of Education, Culture and Employment; Province of Nova Scotia as represented by the Minister of Education; Territory of Nunavut as represented by the Minister of Education; Province of Ontario as represented by the Minister of Education; Province of Prince Edward Island as represented by the Minister of Education; Province of Saskatchewan as represented by the Minister of Education; Yukon Territory as represented by the Minister of Education; Airy and Sabine District School Area Board; Algoma District School Board; Algonquin and Lakeshore Catholic District School Board; Asquith-Garvey District School Board; Atikokan Roman Catholic Separate School Board; Avon Maitland District School Board; Bloorview MacMillan School Authority; Bluewater District School Board; Brant Haldimand Norfolk Catholic District School Board; Bruce-Grey Catholic District School Board;

**ENTRE :**

Province d'Alberta, représentée par le ministre de l'Éducation; Province of British Columbia as represented by the Minister of Education; Province of Manitoba as represented by the Minister of Education, Citizenship and Youth; Province of New Brunswick as represented by the Minister of Education; Province of Newfoundland and Labrador as represented by the Minister of Education; Northwest Territories as represented by the Minister of Education, Culture and Employment; Province of Nova Scotia as represented by the Minister of Education; Territory of Nunavut as represented by the Minister of Education; Province of Ontario as represented by the Minister of Education; Province of Prince Edward Island as represented by the Minister of Education; Province of Saskatchewan as represented by the Minister of Education; Yukon Territory as represented by the Minister of Education; Airy and Sabine District School Area Board; Algoma District School Board; Algonquin and Lakeshore Catholic District School Board; Asquith-Garvey District School Board; Atikokan Roman Catholic Separate School Board; Avon Maitland District School Board; Bloorview MacMillan School Authority; Bluewater District School Board; Brant Haldimand Norfolk Catholic District School Board; Bruce-Grey Catholic District School Board; Campbell Children's School

Campbell Children's School Authority; Caramat District School Area Board; Catholic District School Board of Eastern Ontario; Collins District School Area Board; Connell and Ponsford District School Area Board; Conseil des écoles catholiques du Centre-Est de l'Ontario; Conseil des écoles publiques de l'Est de l'Ontario; Conseil des écoles séparées catholiques de Dubreuilville; Conseil des écoles séparées catholiques de Foleyet; Conseil scolaire de district catholique Centre-Sud; Conseil scolaire de district catholique de l'Est Ontarien; Conseil scolaire de district catholique des Aurores Boréales; Conseil scolaire de district catholique des Grandes Rivières; Conseil scolaire de district catholique du Nouvel-Ontario; Conseil scolaire de district catholique Franco-Nord; Conseil scolaire de district des écoles catholiques de Sud-Ouest; Conseil scolaire de district du Centre Sud-Ouest; Conseil scolaire de district du Grand Nord de l'Ontario; Conseil scolaire de district du Nord-Est de l'Ontario; District School Board of Niagara; District School Board Ontario North East; Dufferin-Peel Catholic District School Board; Durham Catholic District School Board; Durham District School Board; Foleyet District School Area Board; Gogama District School Area Board; Gogama Roman Catholic Separate School Board; Grand Erie District School Board; Greater Essex County District School Board; Halton Catholic District School Board; Halton District School Board; Hamilton-Wentworth Catholic District School Board; Hamilton-Wentworth District School Board; Hastings & Prince

Authority; Caramat District School Area Board; Catholic District School Board of Eastern Ontario; Collins District School Area Board; Connell and Ponsford District School Area Board; Conseil des écoles catholiques du Centre-Est de l'Ontario; Conseil des écoles publiques de l'Est de l'Ontario; Conseil des écoles séparées catholiques de Dubreuilville; Conseil des écoles séparées catholiques de Foleyet; Conseil scolaire de district catholique Centre-Sud; Conseil scolaire de district catholique de l'Est Ontarien; Conseil scolaire de district catholique des Aurores Boréales; Conseil scolaire de district catholique des Grandes Rivières; Conseil scolaire de district catholique du Nouvel-Ontario; Conseil scolaire de district catholique Franco-Nord; Conseil scolaire de district des écoles catholiques de Sud-Ouest; Conseil scolaire de district du Centre Sud-Ouest; Conseil scolaire de district du Grand Nord de l'Ontario; Conseil scolaire de district du Nord-Est de l'Ontario; District School Board of Niagara; District School Board Ontario North East; Dufferin-Peel Catholic District School Board; Durham Catholic District School Board; Durham District School Board; Foleyet District School Area Board; Gogama District School Area Board; Gogama Roman Catholic Separate School Board; Grand Erie District School Board; Greater Essex County District School Board; Halton Catholic District School Board; Halton District School Board; Hamilton-Wentworth Catholic District School Board; Hamilton-Wentworth District School Board; Hastings & Prince Edward District School Board; Hornepayne Roman Catholic Separate School Board; Huron Perth Catholic District School Board;

Edward District School Board;, Hornepayne Roman Catholic Separate School Board; HuronPerth Catholic District School Board; Huron-Superior Catholic District School Board; James Bay Lowlands Secondary School Board; Kawartha Pine Ridge District School Board; Keewatin-Patricia District School Board; Kenora Catholic District School Board; Lakehead District School Board; Lambton Kent District School Board; Limestone District School Board; Missarenda District School Area Board; Moose Factory Island District School Area Board; Moosonee District School Area Board; Moosonee Roman Catholic Separate School Board; Murchison and Lyell District School Area Board; Nakina District School Area Board; Near North District School Board; Niagara Catholic District School Board; Niagara Peninsula Children's Centre School Authority; Nipissing-Parry Sound Catholic District School Board; Northeastern Catholic District School Board; Northern District School Area Board;, Northwest Catholic District School Board; Ottawa Children's Treatment Centre School Authority; Ottawa-Carleton Catholic District School Board; Ottawa-Carleton District School Board; Parry Sound Roman Catholic Separate School Board; Peel District School Board; Peterborough Victoria Northumberland and Clarington Catholic District School Board; Rainbow District School Board; Rainy River District School Board; Red Lake Area Combined Roman Catholic Separate School Board; Renfrew County Catholic District School Board; Renfrew County District School Board; Simcoe County District School Board; Simcoe Muskoka Catholic

Huron-Superior Catholic District School Board; James Bay Lowlands Secondary School Board; Kawartha Pine Ridge District School Board; Keewatin-Patricia District School Board; Kenora Catholic District School Board; Lakehead District School Board; Lambton Kent District School Board; Limestone District School Board; Missarenda District School Area Board; Moose Factory Island District School Area Board; Moosonee District School Area Board; Moosonee Roman Catholic Separate School Board; Murchison and Lyell District School Area Board; Nakina District School Area Board; Near North District School Board; Niagara Catholic District School Board; Niagara Peninsula Children's Centre School Authority; Nipissing-Parry Sound Catholic District School Board; Northeastern Catholic District School Board; Northern District School Area Board; Northwest Catholic District School Board; Ottawa Children's Treatment Centre School Authority; Ottawa-Carleton Catholic District School Board; Ottawa-Carleton District School Board; Parry Sound Roman Catholic Separate School Board; Peel District School Board; Peterborough Victoria Northumberland and Clarington Catholic District School Board; Rainbow District School Board; Rainy River District School Board; Red Lake Area Combined Roman Catholic Separate School Board; Renfrew County Catholic District School Board; Renfrew County District School Board; Simcoe County District School Board; Simcoe Muskoka Catholic District School Board; St Clair Catholic District School Board; Sudbury Catholic District School Board; Superior North Catholic District School Board;

District School Board; St Clair Catholic District School Board; Sudbury Catholic District School Board; Superior North Catholic District School Board; Superior-Greenstone District School Board; Thames Valley District School Board; Thunder Bay Catholic District School Board; Toronto Catholic District School Board; Toronto District School Board; Trillium Lakelands District School Board; Upper Canada District School Board; Upper Grand District School Board; Upsala District School Area Board; Waterloo Catholic District School Board; Waterloo Region District School Board; Wellington Catholic District School Board; Windsor-Essex Catholic District School Board; York Catholic District School Board and York Region District School Board

Superior-Greenstone District School Board; Thames Valley District School Board; Thunder Bay Catholic District School Board; Toronto Catholic District School Board; Toronto District School Board; Trillium Lakelands District School Board; Upper Canada District School Board; Upper Grand District School Board; Upsala District School Area Board; Waterloo Catholic District School Board; Waterloo Region District School Board; Wellington Catholic District School Board; Windsor-Essex Catholic District School Board et York Region District School Board

Applicants

Demandeurs

- and -

- et -

Canadian Copyright Licensing Agency  
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Canadian Copyright Licensing Agency  
exerçant ses activités sous l'appellation de  
« Access Copyright »

Respondent

Intimée

JUDGMENT

JUGEMENT

The application for leave to appeal from the judgment of the Federal Court of Appeal, Number A-302-09, 2010 FCA 198, dated July 23, 2010, is granted with costs in the cause.

La demande d'autorisation d'appel de l'arrêt de la Cour d'appel fédérale, numéro A-302-09, 2010 CAF 198, daté du 23 juillet 2010, est accordée avec dépens suivant l'issue de la cause.

J.S.C.C.  
J.C.S.C.