

CANADA  
PROVINCE OF QUEBEC  
District of Quebec  
No 200-06-000179-146

(Class Action)  
**SUPERIOR COURT**

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SOCIÉTÉ QUÉBÉCOISE DE GESTION  
COLLECTIVE DES DROITS DE  
REPRODUCTION (COPIBEC)

CLASS REPRESENTATIVE

AND AL.

-v-

UNIVERSITÉ LAVAL

DEFENDANT

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**NOTICE TO THE CLASS MEMBERS CONCERNING THE CLOSING DATE OF THE  
CLASS AND THE APPROVAL HEARING OF A SETTLEMENT  
(art. 579 et 590 CCP.)**

**Settlement of approximately 3 million dollars  
Class action concerning copyrights at Université Laval**

A settlement was reached between Copibec and Université Laval in the context of a class action concerning copyrights. This agreement may affect your rights whether you act or not. Please read this notice carefully.

**1. THE CLASS ACTION**

On February 8, 2017, the Québec Court of Appeal authorized a class action against Université Laval concerning the patrimonial and moral rights of authors and publishers whose works have been reproduced and communicated to students or the public without authorization. The parties have agreed to ask the Court to extend the period covered by the class action until May 31, 2018, so that **you are part of the class if Université Laval has reproduced one of your works between June 1, 2014, and May 31, 2018.**

Copibec and the other representatives negotiated with Université Laval and agreed to settle the dispute out of court, without admission of liability on either part, and this agreement remains subject to the approval of the Superior Court.

**2. WHAT DOES THE AGREEMENT PROVIDE?**

Université Laval agrees to :

1. suspend the application of the *Politique et directives relatives à l'utilisation de l'œuvre d'autrui aux fins des activités d'enseignement, d'apprentissage, de recherche et d'étude privée à l'Université Laval* and contract Copibec's general university licence 2017-2021, effective June 1, 2018;
2. contract retroactively Copibec's general university reproduction licence for the years of 2014-2017 and the first year of Copibec's general university reproduction licence 2017-2021, and to pay the full price of these licences (in \$CAD);
3. pay compensation to the authors for the potential violations of their moral rights (in \$CAD);
4. implement, with the collaboration of Copibec, awareness and training activities on copyrights for its teaching staff, for a period of twenty-four (24) months following the ratification.

As for Copibec, it undertakes to:

Distribute to the class members the amounts mentioned above at items 2 and 3, paid by Université Laval, pursuant to the terms and conditions described at section 3 of the present notice, being understood that Copibec will receive 7.5% of these amounts as management fees.

### **3. TO WHAT WILL THE CLASS MEMBER BE ENTITLED TO PURSUANT THE SETTLEMENT AGREEMENT?**

The class members covered by the settlement agreement will receive the royalties that Copibec would have paid them for the reproductions of their works by Université Laval, had it maintained its licence with Copibec during the academic years 2014 to 2017, according to the declarations filed by Université Laval in 2012-2013 and 2013-2014. Members who could not be identified in this way will not receive anything.

Each author (natural person or their succession) identified in the reproduction declarations of 2013-2014 of Université Laval will receive a share of the overall envelope allocated as a general compensation for any possible violation of their moral rights, while some authors will receive additional compensation of \$500, \$1,000 or \$2,000, as specific compensation for alleged violations of their moral rights.

### **4. DO I NEED TO DO SOMETHING TO CLAIM AN INDEMNITY?**

If you are entitled to receive compensation, you do not have to do anything to get your indemnity. You will receive a payment by cheque directly from Copibec, who is responsible for the management of the agreement and the distribution of the amounts among the beneficiaries according to its usual rules and practices.

## 5. HOW CAN I OPT-OUT OF THE CLASS ACTION?

If, for whatever reason, you do not wish to be included in the class action, now extended until May 31, 2018, you must then exclude yourself from the class.

In such a case, and **if you did not exclude yourself beforehand**, you must send to the clerk of the Superior Court of the District of Quebec a written notice confirming your request of exclusion from the class **by September 7, 2018, at the latest**, at the following address:

Registry of the Superior Court  
Quebec Courthouse  
300, Jean-Lesage boulevard  
Quebec (Quebec), Canada  
G1K 8K6  
Reference: Copibec v. Université Laval - 200-06-000179-146

In general, only the persons who wish to bring an individual action at their own expense have an interest in excluding themselves from a class action. People who opt out of the class will not receive any money from the agreement.

## 6. RELEASE OF CLAIMS AND IMPACT ON THE OTHER PROCEEDINGS

**Once the agreement is approved**, you will not be able to file or continue any claim that you may have against Université Laval because of a violation to your patrimonial and moral rights as an author that occurred between **June 1, 2014, and May 31, 2018**, unless you have previously been excluded from the class action.

## 7. THE PRESENTATION OF YOUR ARGUMENTS ON THE SETTLEMENT

You could also come before the Tribunal to present your objection or arguments on the agreement. To do so, you should attend the hearing that will be held on **September 26, 2018, at 9h30, in room 3.21, at the Quebec City Courthouse, located at 300 Jean-Lesage Boulevard in Quebec City**. Although this is not mandatory, it is suggested that the pre-hearing form be filled and submitted, before the hearing, which can be downloaded from the Copibec website or can be obtained by mail.

You can present your arguments without the assistance of a lawyer. If you want to be represented by a lawyer, you can hire one at your own expense.

## 8. HOW CAN I GET MORE INFORMATION?

For more information and to access the **full text of the Settlement Agreement** and various class action documents, we invite you to visit the website:

[www.copibec.ca/en/class-action-against-universite-laval](http://www.copibec.ca/en/class-action-against-universite-laval)

or to contact Copibec (Class action section) at the following coordinates :

810-606, Cathcart Street  
Montreal, QC  
Canada H3B 1K9  
Telephone: 514-288-1663 / 1-800-717-2022  
E-mail: [actioncollective@copibec.ca](mailto:actioncollective@copibec.ca)

**This text has been approved by the Court. In the event of a discrepancy between the English and French version of the notice, the latter shall prevail.**

