

**IN THE SUPREME COURT OF CANADA
(ON APPEAL FROM THE ONTARIO COURT OF APPEAL)**

B E T W E E N :

KEATLEY SURVEYING LTD.

Appellant/Respondent on Cross-Appeal
(Appellant/Respondent by way of Cross- appeal)

- and -

TERANET INC.

Respondent/Appellant on Cross-appeal
(Respondent/Appellant by way of Cross-appeal)

- and -

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Intervener
(Intervener)

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PART I - OVERVIEW AND STATEMENT OF FACTS

A. OVERVIEW

1. The words “without prejudice to any rights or privileges of the Crown,” at the outset of s. 12 of the *Copyright Act* (the *Act*), safeguard the Crown’s ability to use copyright works in the course of discharging its public duties and obligations, whether those rights arise at common law or pursuant to enactment. Parliament has not reformulated or modified this safeguard for Crown rights and privileges as other commonwealth countries have done. Consistent with the principle of technological neutrality, the opening words of s. 12 continue to provide a valid tool for Canadian governments to serve the public interest through the modern administrative state. This authority exists apart from any rights flowing from the statutory copyright provided for in the latter part of s. 12 of the *Act*.

2. The words “any rights or privileges of the Crown” encompass more than simply the Crown’s historical right to control the printing and publishing of certain works. Three forms of rights and privileges of the Crown are addressed in these submissions. First considered is the general immunity of the Crown’s rights from an enactment. Second is the Crown’s exclusive prerogative right to publish certain works of an official or public character that serve to establish individuals’ rights and obligations. Third is the right of governmental authorities duly authorized by legislation to permit, control, and prevent the circulation, exhibition or representation of any work otherwise subject to copyright.

3. In considering the issues in this case, the Court should be wary of lending support either expressly or by implication to a narrow understanding of “any rights or privileges.”

B. STATEMENT OF FACTS

4. The Attorney General of Canada (“Canada”) relies on the facts as stated by the parties and takes no position with respect to any factual dispute between them.

PART II – POINTS IN ISSUE

5. Canada takes no position on the ultimate issues in this appeal but provides submissions on the source of Crown rights and privileges respecting the use of copyrighted works as reflected in the opening words of s. 12 of the *Copyright Act*. The phrase “without prejudice to any rights or privileges of the Crown” allows governments to make appropriate use of copyrighted works in carrying out their public duties and responsibilities and to provide public access to these works in appropriate circumstances.

PART III- ARGUMENT

6. The *Copyright Act* generally vests copyright owners with an exclusive right to prevent and control the reproduction, publication and performance of original works.¹ This includes, for example, printing and making of copies, issuance of physical copies to the public, controlling their translation and the performance of any translation, making works available online, and the further communication of them to the public by telecommunication.

7. In the course of carrying out its duties and responsibilities, the government must make regular and appropriate use of works prepared by persons other than its employees. These include letters, the content of applications, speeches, reports, memoranda, facta, prepared oral arguments, diagrams, maps, drawings and descriptions of inventions, drug product monographs, and translations of such works.² For example, the Canadian Intellectual Property Office provides online access to applications for patents, pursuant to ss. 8.2, 10(1) and 26.1(2) of the *Patent Act*.³

8. The government’s authority to do so derives from the “rights and privileges of the Crown” protected by s. 12 of the *Copyright Act*. Three aspects of this authority are potentially relevant to this proceeding: the general immunity of the Crown from statute, the Crown’s prerogative to publish, and the Crown’s rights pursuant to legislation. Each will be addressed in turn, after a brief overview of the relevant legislative history.

¹ J.S. McKeown, *Fox: Canadian Law of Copyright and Industrial Designs*, 3rd ed (Toronto: Carswell, 2000) at 5, Book of Authorities of the Intervener, Attorney General of Canada, (AGC Auth), Tab 2.

² [Copyright Act, RSC 1985](#), c C-42, ss [3\(1\)](#) and [27\(1\)](#) (“*Copyright Act*” or “*Act*”).

³ [Patent Act, RSC 1985](#), c P-4, ss [8.2](#), [10\(1\)](#) and [26.1\(2\)](#).

A. LEGISLATIVE HISTORY

9. Section 12 of the *Copyright Act* mirrors the language contained in s. 18 of the Imperial *Copyright Act, 1911* and has not changed substantively since it was first enacted in 1921.⁴ Section 12 states:

12 Without prejudice to any rights or privileges of the Crown, where any work is, or has been, prepared or published by or under the direction or control of Her Majesty or any government department, the copyright in the work shall, subject to any agreement with the author, belong to Her Majesty and in that case shall continue for the remainder of the calendar year of the first publication of the work and for a period of fifty years following the end of that calendar year.

12 Sous réserve de tous les droits ou privilèges de la Couronne, le droit d'auteur sur les oeuvres préparées ou publiées par l'entremise, sous la direction ou la surveillance de Sa Majesté ou d'un ministère du gouvernement, appartient, sauf stipulation conclue avec l'auteur, à Sa Majesté et, dans ce cas, il subsiste jusqu'à la fin de la cinquantième année suivant celle de la première publication de l'oeuvre.⁵

10. The original provision, as found in the *Copyright Act, 1911*, was adopted following the Report of the Committee on the Law of Copyright, which recommended addressing Art. 17 of the Revised *Berne Convention* of 1908 in the Bill.⁶ This Article, included in Schedule II of Canada's *Copyright Act, 1921*, provided that the Convention will not "in any way derogate from the right belonging to the Government of each country of the Union to permit, to control or to prohibit, by measures of domestic legislation or police, the circulation, representation, or exhibition of any works or publications in regard to which the competent authority may find it necessary to exercise this right."⁷

⁴ [Copyright Act 1911 \(UK\)](#), 1 & 2 Geo V, c 46, s 18; *The Copyright Act 1921*, 11 & 12 Geo V, c 24, s 10, AGC Auth, Tab 13; see also *House of Commons Debates*, 13-5, No 4 (25 May 1921) at [3833-3834](#) (Hon James Doherty); *Debate of the Senate*, 13-2, No 1 (27 March 1919) at [152](#) (Sir James Lougheed) and Sara Bannerman, *The Struggle for Canadian Copyright* (Vancouver: UBC Press, 2013) at 99, AGC Auth, Tab 1.

⁵ [Copyright Act, supra, s 12](#) [underlining added]

⁶ UK, HC, *Report of the Committee on the Law of Copyright* (Cd 4976, 1909) at 1, 3, 8 and 27 (WS Churchill); UK, HC, *Report from Standing Committee A of the Copyright Bill, 1911* at 36; *A Bill to amend and consolidate the Law relating to Copyright*, UK, 1911 at AGC Auth, Tab 14.

⁷ *The Copyright Act 1921, supra* at Second Schedule, Article 17, AGC Auth, Tab 13

B. CROWN IMMUNITY FROM STATUTE

11. A plain reading of the opening words of s. 12 reinforces the immunity of the Crown's rights from statute, as provided for in Canada by s. 17 of the *Interpretation Act*.⁸ *Black's Law Dictionary* defines a "privilege" as "An exceptional or extraordinary power or exemption. [...] A right, power, franchise, or immunity held by a person or class against or beyond the course of the law;" a "right" is defined as "a power, privilege, or immunity guaranteed under a constitution, statutes or decisional laws, or claimed as a result of long usage."⁹ In Canada, diminution of the immunity of the Crown's rights or privileges "occurs only to the extent that the statute does so explicitly or by necessary implication."¹⁰

12. When other commonwealth jurisdictions such as the UK and Australia amended their copyright legislation to generally bind the Crown, and limit the reference to the Crown's "rights or privileges," they simultaneously enacted comprehensive limitations or exceptions for activities relating generally to public administration.¹¹ These exceptions cover acts related to judicial or parliamentary proceedings, royal commissions or statutory inquiries, publication of information in official registers, use of material communicated to the Crown, and actions otherwise authorized by statute.

13. Canada's *Copyright Act*, however, contains no express provision generally binding the Crown in right of Canada or the provinces, despite this being a recommendation of several royal commissions as well as parliamentary and government reports over the years.¹² Instead, s. 12

⁸ [Interpretation Act](#), RSC, 1985, c I-21, [s 17](#)

⁹ *Black's Law Dictionary*, 5th ed, (St. Paul, MN, USA: West Publishing Company, 1979) *sub verbo* "privilege" and "right," AGC Auth, Tab 3.

¹⁰ [Ross River Dena Council Band v. Canada](#), [2002] 2 SCR 816, 2002 SCC 54, para 54

¹¹ [Copyright, Designs and Patents Act 1988 \(UK\) c 48, ss 45-50, Schedule 7, s 4](#); [Copyright Act 1968, 1968/63 \(Australia\)](#), ss 7, 183

¹² E.g., *Royal Commission on Patents, Copyright, Trade Marks and Industrial Design, Report on Copyright* (Ottawa: Privy Council Office, 1957) at 117-118, AGC Auth, Tab 4; A.A. Keyes and C. Brunet, *Copyright in Canada – Proposals for a Revision of the Law* (Ottawa: Consumer and Corporate Affairs Canada, 1977) at 223-224, AGC Auth, Tab 5; B. Torno, *Crown Copyright in Canada: a Legacy of Confusion* (Ottawa: Consumer and Corporate Affairs Canada 1981) at 44-48 AGC Auth, Tab 6; Hon. J. Erola and Hon. F. Fox, *From Gutenberg to Teledon, A White Paper on Copyright* (Ottawa: Consumer and Corporate Affairs Canada, 1984) at 76-77, AGC Auth, Tab 7.

explicitly preserves Crown rights and privileges with respect to copyright, rather than restricting them to any extent.

14. Canada's *Copyright Act* does contain several specific, limited exceptions for certain governmental functions. However, these exceptions are exactly that – exceptions – and do not of themselves imply an intent to limit (either at the time of their enactment or preceding it) or erase the Crown's general immunity.¹³ By analogy, while s. 2.1 of the *Competition Act*¹⁴ binds Crown corporate agents insofar as they are engaged in commercial activities, it does not bind the Crown more generally. Similarly, this principle must also apply when the Crown is being bound by necessary implication: the Crown is bound only to the extent of the “necessary implication” in the particular enactment and is not otherwise bound. Consistent with the approach this Court took in *CCH*,¹⁵ the existence of specific exceptions in the *Copyright Act* does not limit the availability or affect the interpretation and application of a general exception or immunity.

15. Insofar as the Federal Court of Appeal decision in *Access Copyright*¹⁶ may be taken to suggest or imply an opposite presumption – i.e., that the Crown is bound by legislation except to the extent the statute provides otherwise, explicitly or by necessary implication – it is at odds with the jurisprudence and principles of statutory interpretation.

16. The Crown's rights and privileges, although not specifically set out in the *Act* itself, are an essential part of the balance in the *Act* between the interests of creators and the public interest. Like other aspects of the *Act*, the Crown's rights and privileges need to be read in a technology-neutral manner to prevent them from being narrowly construed in the face of technological change. This is not to suggest however that general immunity may allow the Crown to act with “impunity;” the Crown nevertheless remains subject to other statutes, to the extent necessarily implied in the *Act* and common law limits (considering the nature of the Crown, and established or fair usage).¹⁷

¹³ [Province of Bombay v Municipal Corporation of Bombay](#), [1947] AC 58 at 4 (JCPC)

¹⁴ [Competition Act](#), RSC 1985, c C 34, s 2.1

¹⁵ [CCH Canadian Ltd v LSUC](#), [2004] 1 SCR 339, 2004 SCC 13, paras 48, 49

¹⁶ [Manitoba v Access Copyright](#), [2014] 4 FCR 3, 2013 FCA 91, para 34

¹⁷ For example, see F.E. Skone James, *Copinger on the Law of Copyright*, (London: Sweet and Maxwell, 1936) at 3, AGC Auth, Tab 8

C. PREROGATIVE RIGHT TO PRINT AND PUBLISH

17. The longstanding Crown prerogative to print and publish works arises from the Crown's responsibility as executive magistrate to make known the law of the land. A broad corollary of this is the obligation to ensure that documents relating to the government of the country should be published and preserved in a proper and correct state.¹⁸

18. Contrary to the view of the Ontario Court of Appeal, the scope of the works covered by this prerogative is not "lost to history."¹⁹ The origins and doctrinal foundation of the prerogative right were exhaustively examined in *Attorney General (New South Wales) v Butterworths*.²⁰ The scope of the prerogative includes works governing a person's civil rights and obligations (such as statutes, orders, regulations and proclamations) for which the Crown had and continues to have a duty to ensure the public is accurately informed.²¹ That said, the outer boundary of this prerogative remains undefined – as was noted in *Bellman*: "there remains in the Crown the sole right of printing a somewhat miscellaneous collection of works, no catalogue of which appears to be exhaustive."²²

19. One example of what is included is official plans of survey under the *Canada Lands Survey Act*. This Act vests the Surveyor General with full control and supervision of survey plans.²³ No survey is complete until it is confirmed by the Surveyor General, and official plans may be amended only under the direction of the Surveyor General. Survey plans establish and govern the true boundary lines of roads, streets, lanes, lots, parcels or other subdivisions of Canada Lands,

¹⁸ Harold G. Fox, "Copyright in Relation to the Crown and Universities with Special Reference to Canada" (1947) 7:1 UTLJ 98 at 112, AGC Auth, Tab 9 ("Fox"); [New South Wales v Butterworth & Co \(Australia\) Ltd \(1938\)](#), 38 SR (NSW) 195 at 229 ("*Butterworth*"), [Clyde River v Petroleum Geo Services](#), [2017] 1 SCR 1069, 2017 SCC 40, para 28; [PS Knight Co Ltd v Canadian Standards Association](#), 2018 FCA 222, para 129

¹⁹ [Keatley Surveying Ltd v Teranet Inc](#), 2017 ONCA 748, para 28

²⁰ [Butterworth](#), *supra* at 235-237

²¹ Fox, *supra*, AGC Auth, Tab 9

²² [R v Bellman](#), [1938] 3 DLR 548 at 553 (NBCA), Baxter CJ

²³ [Canada Lands Survey Act](#), RSC 1985, c L-6, s 29

and are integral to approximately 60 other enactments that set out rights and obligations.²⁴ Due to their official, public and legal nature, the Crown (or its agent) must retain ultimate control over their superintendence, publication and availability online. This control cannot remain with individual surveyors acting in a private capacity.

20. The historical evolution of this prerogative also supports its extension to modern forms of media and communication. Prior to the advent of printing, statutes were promulgated by the sheriff reading aloud an authorized copy in county courts and depositing it there for inspection and copying.²⁵ Just as the Crown's rights were later extended to printing, they must now include current means for informing the public. The corresponding prerogative should be understood to include the right to extend government services online and to include other means of recording and conveying the law, as well as other instruments circumscribing rights and obligations.²⁶

D. CROWN RIGHTS ARISING UNDER STATUTE

21. The reference to “any rights or privileges of the Crown” in s. 12 of the *Copyright Act* is also intended to safeguard any rights bestowed on the Crown to use works in a manner consistent with valid legislation. The rights in question arise whenever legislation not only provides for the receipt of copyright works by the government for a certain purpose, but also provides the government with a right – either expressly or by clear implication²⁷ – to make limited use of those

²⁴ [Canada Lands Surveys Act](#), *supra* s 24; see e.g., [National Parks of Canada Lease and Licence of Occupation Regulations](#), SOR/92-25, ss 3(1), (2); [Northwest Territories Mining Regulations](#), SOR/2014-68, ss 57(1)(a), 59 (a)(b); [Land Titles Act North West Territories](#), RSNWT 1988, c 8, s 58; similar provisions also exist in the [Land Titles Acts Yukon](#), SY 2015, c 10 and [Land Titles Act Nunavut](#), RSNWT (Nu) 1988, c 8

²⁵ As noted in [Butterworth](#), *supra* at 208, citing Blackstones commentaries

²⁶ [Canadian Broadcasting Corp v SODRAC 2003 Inc.](#), [2015] 3 SCR 615, 2015 SCC 57, paras 66-68

²⁷ [ATCO Gas & Pipelines Ltd v Alberta \(Energy & Utilities Board\)](#), [2006] 1 SCR 140, 2006 SCC 4, paras 49-80; see also R. Sullivan, *Sullivan on the Construction of Statutes*, 6th ed (Markham: LexisNexis, 2014) at §9.85 - §9.88 and §12.23, AGC Auth, Tab 10; D.J.M. Brown and J.M. Evans, *Judicial Review of Administrative Action in Canada* (Toronto: Thomson Reuters, 2018) at 13:1310, 13:1320, AGC Auth, Tab 11; and R.W. Macaulay and James L.H. Sprague, *Practice and Procedure before Administrative Tribunals* (Toronto: Thomson Reuters, 2018) at 5.3(b) and chap. 29, AGC Auth, Tab 12.

works in a manner that would otherwise infringe copyright. For example, government departments, agencies, Parliament and courts require the ability to use and communicate different documents in one or both official languages.²⁸

22. The right or ability of the Crown to fulfill its statutory, public duties and responsibilities is not dependent on, or governed by, a contractual relationship with copyright owners (such as an implied waiver, licence or assignment). To find otherwise, could frustrate the purpose or impede the intended operation of a vast array of statutory schemes, at the federal, provincial, territorial and subordinate levels.

23. The general right of competent authorities to permit, control and prevent the circulation of works by means of legislation, or pursuant to legislation, was expressly acknowledged in Art. 17 of the 1908 *Berne Convention* and incorporated into the *Copyright Act* in 1921. Neither Parliament nor the government have sought to narrow the broad scope of that right, as still reflected by the opening words of s. 12.

24. Even in those Commonwealth jurisdictions that have narrowed or eliminated the broad Crown immunity with respect to copyright law, care has been taken to maintain Crown rights in relation to public administration formerly guaranteed by a general savings clause like the opening phrase of s.12. In s. 46(2) of the *Copyright Act 1956*, for instance, the UK expressly referenced rights arising both under enactment or otherwise (at common law).²⁹ As explained in committee in the UK Parliament, the provision safeguarded “existing rights and privileges conferred on the Crown and other persons under particular Acts not repealed by the Bill.”³⁰

25. Similarly, in ss. 45-50 of the 1988 *Copyright, Designs and Patents Act* (“CDPA”), the UK enacted comprehensive “public administration” exceptions to enable various aspects of public

²⁸ [Constitution Act, 1867](#), s 133; [Canadian Charter of Rights and Freedoms](#), ss 16(1) and 20(2); [Official Languages Act](#), RSC 1985, c 31 (4th supp), ss 4(2)-(3), 15(2)-(3) and 19(1)-(2); [Official Languages \(Communications with and Services to the Public\) Regulations](#), SOR/92-48; [Criminal Code of Canada](#), RSC 1985, c C-46, ss 530.01(1)(1)(a), (b) & (f); see also within paras 7, 19, 29.

²⁹ [Copyright Act 1956](#) (UK) 4 & 5 Eliz II, c 74, s 46(2)

³⁰ [UK, HL, Deb \(21 February 1956\) vol 195, col 1189 \(Lord Mancroft\)](#)

administration “to continue without infringing copyright.”³¹ The relevant sections of the *CDPA* include rights to deal with material communicated to the Crown in the course of public business (s. 48), public records (s. 49) and doing acts specifically authorized by statute (s. 50).³²

26. In Canada, these “exceptions” remain contemplated and included in the original savings clause, expressed by the opening words of s. 12. These words similarly safeguard any rights conferred on the Crown by legislation to make use of works, including to make them publicly available. The rights in question arise whenever legislation, either expressly or by clear implication, not only provides for the receipt of copyright works by the government for a certain purpose, but also provides the government with a necessarily concomitant right to make use of those works in a manner which would otherwise infringe copyright.

27. The recent decisions of the Alberta Court of Queen’s Bench and Court of Appeal in *Encana* provide examples of how this principle could have been applied in practice.³³ In both these cases, the courts were asked to resolve what was characterized as a conflict between GSI’s copyright in offshore petroleum resources data and the public’s interest in accessing this data, which was collected and disseminated by the National Energy Board (“NEB”) pursuant to the regulatory regime established under the *Canada Petroleum Resources Act* (“CPRA”).³⁴

28. The appeal court held that the legislative authority in the *CPRA* and related legislation “overrides the general rights contained in the *Copyright Act*.”³⁵ However, reference to s. 12 of the *Copyright Act* would have rendered this conclusion unnecessary. The opening words of s. 12 harmoniously preserve the rights of both federal and provincial authorities, including the NEB, to carry out their statutory duties without infringing copyright whenever the authority to do so is expressly provided by, or can reasonably be implied from, the legislative scheme. This was the

³¹ UK, HC, *Copyright, Designs and Patents Bill 1988, Explanatory and Financial Memorandum*, UK Parliamentary Papers at 1, 2, 7 (descriptions from clause 160 and 161), AGC Auth, Tab 15

³² [Copyright, Designs and Patents Act 1988 \(UK\)](#), *supra* ss 45-50

³³ *Geophysical Service Incorporated v Encana Corporation*, [2016 ABQB 230](#), *aff’d* [2017 ABCA 125](#) at para 104 (“*Encana*”), leave to appeal to SCC denied [37634 \(30 November 2017\)](#)

³⁴ [Canada Petroleum Resources Act](#), RSC 1985, c 36 (2nd Supp), ss 4, 48

³⁵ *Encana, supra*, para 104

case in *Encana*, where the *CPRA* could not fairly be construed as compelling the Crown to observe copyright under the relevant circumstances. In short, no legislative conflict arose to be resolved.

29. Similarly, the Surveyor General’s rights to certify and charge related fees for copies of any “record or document arising from or respecting surveys” under ss. 4 and 48 of the *Canada Lands Surveys Act* necessarily implies a right to reproduce and issue physical copies to the public. It also includes the ability to make registered surveys publicly available online,³⁶ regardless of the fact that the Crown may also own copyright in the official, approved, published version pursuant to the latter part of s. 12.

PART IV – COSTS AND NATURE OF ORDER SOUGHT

30. Canada does not seek costs and asks that costs not be awarded against it, and also requests that the appeal be determined in accordance with the above principles if so required.

ALL OF WHICH IS RESPECTFULLY SUBMITTED

Dated at Toronto this 13th day of
December, 2018.

Kathryn Hucal /

John Provat

Of Counsel for the Intervener,
Attorney General of Canada

³⁶[Personal Information Protection and Electronic Documents Act](#), SC 2000, c 5, s 33

PART V – TABLE OF AUTHORITIES

	Cited at Paragraphs
JURISPRUDENCE:	
<i>Ross River Dena Council Band v Canada</i>, [2002] 2 SCR 816, 2002 SCC 54	11
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<i>PS Knight Co Ltd v Canadian Standards Association</i> , 2018 FCA 222	17
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<i>Keatley Surveying Ltd v Teranet Inc</i> , 2017 ONCA 748	18
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<i>ATCO Gas & Pipelines Ltd v Alberta (Energy & Utilities Board)</i> , [2006] 1 SCR 40, 2006 SCC 4	21
<i>Geophysical Service Incorporated v Encana Corporation</i> , 2016 ABQB 230, affirmed 2017 ABCA 125, leave to appeal to SCC denied 37634 (30 November 2017)	27, 28
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Sara Bannerman, <i>The Struggle for Canadian Copyright</i> (Vancouver: UBC Press, 2013) at 99	9
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<i>Royal Commission on Patents, Copyright, Trade Marks and Industrial Design, Report on Copyright</i> (Ottawa: Privy Council Office, 1957) at 117-118	13
A.A. Keyes and C. Brunet, <i>Copyright in Canada – Proposals for a Revision of the Law</i> (Ottawa: Consumer and Corporate Affairs Canada, 1977) at 223-224	13
B. Torno, <i>Crown Copyright in Canada: a Legacy of Confusion</i> (Ottawa: Consumer and Corporate Affairs Canada 1981) at 44-48	13
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F.E. Skone James, <i>Copinger on the Law of Copyright</i> (London: Sweet and Maxwell, 1936) at 31	16
Harold G. Fox, <i>Copyright in Relation to the Crown and Universities with Special Reference to Canada</i> (1947) 7:1 UTLJ 98 at 112	17, 18
R. Sullivan, <i>Sullivan on the Construction of Statutes</i> , 6th ed (Markham: LexisNexis, 2014) at §9.85 - §9.88 and §12.23	21
D.J.M. Brown and J.M. Evans, <i>Judicial Review of Administrative Action in Canada</i> (Toronto: Thomson Reuters, 2018) at 13:1310, 13:1320	21
R.W. Macaulay and James L.H. Sprague, <i>Practice and Procedure before Administrative Tribunals</i> (Toronto: Thomson Reuters, 2018) at 5.3(b) and chap. 29	21
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James Doherty, Minister of Justice, House of Commons, May 25, 1921 (Hansard, pp. 3833-3834),	9
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APPENDIX “A” – STATUTES RELIED ON

	Cited at paragraphs
STATUTORY AND REGULATORY AUTHORITIES:	
<u>Copyright Act, RSC 1985</u> , c C-42, <u>ss. 2, 3(1), 12</u> and <u>27(1)</u>	7, 9
<u>Patent Act, RSC 1985</u> , c P-4, <u>ss. 8.2, 10(1)</u> and <u>26.1(2)</u>	7
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<u>Canada Lands Survey Act</u> , RSC 1985, c L-6, <u>ss. 24, 29, 45-47</u>	19
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<u>Northwest Territories Mining Regulations</u> , SOR/2014-68, <u>ss. 57(1)(a), 59 (a)(b)</u>	19
<u>Land Titles Act North West Territories</u> , RSNWT 1988, c 8, <u>s. 58</u> ,	19
<u>Land Titles Acts Yukon</u> SY 2015, c 10	19
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<u>Canadian Charter of Rights and Freedoms</u> , <u>ss. 16(1)</u> and <u>20(2)</u>	21
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<u>Copyright Act 1921</u> , (UK), 11 & 12 Geo V, c 24, <u>s. 10</u> , Second Schedule, Article 17	9, 10
<u>Copyright Act 1956 (UK)</u> 4 & 5 Eliz II, c74, <u>s. 46(2)</u>	24

<i>Copyright Act, 1968, (AUSTRALIA) ss. 7, 8, 183</i>	12
<i>Copyright, Designs and Patents Act 1988 (UK), ss. 45-50, 170, 171; Schedule 7, s. 4</i>	12, 25