Settlement Approved in Canadian Music Industry
"Pending Lists" Lawsuit

June 6, 2011 by Bob Tarantino

On May 30, 2011, the Ontario Superior Court of Justice approved the settlement agreements reached among the four major Canadian record labels, CMRRA and SODRAC (click here for previous Signal coverage of the topic). As reported by Christine Dobby in the Legal Post:

But, in what was described in court as a contentious and heated process that included eight court-assisted mediation meetings and numerous case management appearances, the parties reached an agreement that includes the financial settlement as well as a process for dealing with future use of unlicenced work.

"The result overall is approximately $50.2-million in settlement benefits to the class," Mr. Foreman said. "I believe it's a strong financial resolution to the case."

Harrison Pensa, who acted as counsel to the plaintiffs in the matter, have updated their website to include the Court approved Notice of Certification and Settlement Approval. Of particular interest is the requirement for the creation of "a revised Canadian mechanical licensing platform", to be implemented by January 1, 2013, and which will include a publicly accessible website to "allow for public review and submission of ownership claims of unidentified Musical Works". So not only will crowd-sourcing become part of the process, but works which remain unidentified will be made the subject of a license application by CSI (CMRRA-SODRAC Inc.) to the Copyright Board under the unlocatable copyright owners regime - and royalties paid in respect of those works will be held in trust pending eventual identification. The new mechanism seems to be an innovative and productive solution to the challenge of unidentified owners.