

Canadian Consumer Initiative Proposed Amendment to Bill C-11 regarding statutory damages

Clause 46. (1) Subsections 38.1(1) to (3) of the Act are replaced by the following:

38.1 (1) Subject to this section, a copyright owner

(a) may elect, at any time before final judgment is rendered, to recover, instead of damages and profits referred to in subsection 35(1), an award of statutory damages for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$500 and not more than \$20,000 that the court considers just, with respect to all infringements involved in the proceedings for each work or other subject-matter, if the infringements are for commercial purposes; and

(b) must elect, at the time civil proceedings taken under this Act are commenced, whether to recover, instead of damages and profits referred to in subsection 35(1), an award of statutory damages for which any one infringer is liable individually, or for which any two or more infringers are liable jointly and severally, in a sum of not less than \$100 and not more than \$5,000 that the court considers just, with respect to all infringements involved in the proceedings for all works or other subject-matter, if the infringements are for non-commercial purposes.