File No T-1717-24

FEDERAL COURT

B E T W E E N:

SAMUELSON-GLUSHKO CANADIAN INTERNET POLICY AND PUBLIC INTEREST CLINIC

Applicant

- and -

ANKIT SAHNI

Respondent

MEMORANDUM OF FACT AND LAW OF THE APPLICANT

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PART I – OVERVIEW

[1] Copyright law protects creative expressions of the human mind. A production that lacks these qualities cannot attract protection.

[2] This application challenges a copyright registration for a machine-generated image. The Respondent, Mr. Sahni, provided inputs to an artificial intelligence (AI) application but contributed no expression to its output, an image he calls SURYAST.

[3] The Respondent created a "legal test case" by exploiting the automated registration system of the Canadian Intellectual Property Office (CIPO) to obtain a copyright registration for the SURYAST output. CIPO duly issued the registration without examination, identifying the Respondent and his AI application as co-authors. That registration is now cited internationally as evidence that Canada recognizes AI authorship, creating a misleading precedent that harms the integrity of the public register and muddies the copyright status of AI outputs in Canada.

[4] CIPPIC brings this application to rectify the Register after CIPO declined to act and the Respondent refused to engage. CIPPIC relies on core principles of copyright law:

- one who merely brings ideas to a project enjoys no copyright in the resulting production;
- copyright subsists in fixed expression that exhibits human skill and judgement; and
- AI applications cannot be "authors" under the *Copyright Act* not merely because they are not human, but because, however innovative, efficient, or productive they might be, they cannot engage in an act of authorship that can justify the grant of copyright in the first place.[1]

[5] CIPPIC asks this Court to declare that the SURYAST output lacks originality and so is in the public domain, or, alternatively, if it enjoys copyright, that an AI application cannot be its

[1] *Copyright Act*, RSC 1985, c C-42 [*Copyright Act*].

author. Rectification of the Register preserves the integrity of Canada's copyright system and gives Canadians certainty over the copyright status of AI-generated outputs.

PART II – FACTS

A. The parties

[6] The Applicant, CIPPIC, is Canada's only public interest technology law clinic. Based at the University of Ottawa's Faculty of Law, CIPPIC advocates on legal and policy issues at the intersection of law and technology, including copyright and artificial intelligence.

[7] The Respondent, Mr. Ankit Sahni, is an intellectual property lawyer based in New Delhi, India.

B. The production of the SURYAST output

[8] The Respondent generated the SURYAST output using RAGHAV AI, a generative artificial intelligence system that creates visual images based on user inputs, namely a base image, a style image, and a style-weight value.

[9] To create the SURYAST output, the Respondent selected two input images: a photograph of a sunset taken by the Respondent (the base image) and a copy of the public domain artwork "The Starry Night*"* by Vincent van Gogh (the style image).

[10] The Respondent also selected a numerical value to indicate how strongly RAGHAV AI should apply the style image to the base image (the style-weight value). RAGHAV AI then used neural style transfer techniques to generate the output by applying stylistic elements from "The Starry Night" to the base image.

[11] The Respondent admits that he did not control the expression of the output. In affidavits, both the Respondent and the creator of RAGHAV AI affirm that the AI "performed" the "interpretation" of the inputs and that the user "may not be able to control what image the

RAGHAV will generate."[2] RAGHAV AI independently generated the final image's expressive features, such as its unique brushstrokes, colours, and textures. The Respondent named this output SURYAST.

[12] The style image selected by the Respondent, Vincent van Gogh's "The Starry Night," is a commonplace choice for neural style transfer applications.[3] It is one of the most popular and frequently used styles, often featured in tutorials and included as a default example in publicly available style transfer projects.

C. The Respondent's copyright registration activities

[13] The Respondent characterizes his copyright registration efforts for the SURYAST output as "legal test cases." On his public LinkedIn profile, the Respondent states he has been "working on several legal test cases, including being the first person to have an AI system recognized as a co-author of a copyrighted work in India and Canada."[4]

[14] The Respondent sought copyright registration for the SURYAST output in Canada, the United States, and India. India's Copyright Office initially registered the work and recognized RAGHAV AI as a co-author, but later issued a withdrawal notice.[5] However, the registration remains publicly listed. The United States Copyright Review Board rejected the application, holding that the SURYAST output lacked sufficient originality and that an AI system cannot be an author.[6]

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[2] Ankit Sahni, *Affidavit of Ankit Sahni* (12 May 2025) at para 12 [Sahni, *Affidavit*]; Raghav Gupta, *Affidavit of Raghav Gupta* (12 May 2025) at para 28 [Gupta, *Affidavit*].
[3] Gareth Spanglett, *Affidavit of Gareth Spanglett* (11 April 2025) at para 32 [Spanglett, *Affidavit*] [Tab 3].
[4] "Ankit Sahni LinkedIn Profile" (2024), online: *LinkedIn* <https://www.linkedin.com/in/ankitsahni/> [Tab 3K].
[5] Sukanya Sarkar, "Exclusive: India recognises AI as co-author of copyrighted artwork" (5 August 2021), online: *ManagingIP* <https://www.managingip.com/article/2a5bqo2drurt0bxl7ab24/exclusive-india-recognises-ai-as-co-author-of-copyrighted-artwork> [Tab 3F].
[6] United States Copyright Office, "Copy of Correspondence 1-11016599571" (2024) [US-Sahni Correspondence] [Tab 3D].

[15] On December 1, 2021, the Respondent obtained a Canadian registration for the SURYAST output.[7] The Respondent submitted the application online, and CIPO processed it automatically. The registration lists the Respondent and RAGHAV AI as authors, using the same address.

D. Canada's automated registration system

[16] The *Copyright Act* (the *Act*) grants the Registrar of Copyrights jurisdiction to maintain the Register of Copyrights. The *Act* provides that "[t]he Minister shall cause to be kept at the Copyright Office a register […] in which may be entered […] the names or titles of works […] in which copyright subsists" and "the names and addresses of authors, […] owners of copyright," assignees and licensees.[8]

[17] CIPO's administration of this copyright registration system involves no substantive review of the applications it receives. CIPO publicly states that it "does not verify or examine the claims made in applications for copyright registration" and, as such, "cannot guarantee the legitimacy, ownership, authorship or originality of a work."[9] The system places the full legal responsibility on the applicant. CIPO confirmed in communications with CIPPIC that "[t]he onus is on the applicant to ensure that the application complies with the requirements of the *Copyright Act* and the *Copyright Regulations*."[10] The Office registers works without ever seeing them, as it "does not accept copies of works submitted with the copyright application forms at the time of filing, nor after the registration."[11]

[18] CIPO's automated system grants registration immediately and without human oversight, which can result in invalid entries on the Register of Copyrights. In correspondence with CIPPIC,

[7] "SURYAST" (artistic) Ankit Sahni, Canada 1188619 (1 December 2021) registered [Tab 3C].
[8] *Copyright Act*, *supra* note 1, s 54(1).
[9] Canada, Canadian Intellectual Property Office, "A guide to copyright" (15 October 2024), online: <https://ised-isde.canada.ca/site/canadian-intellectual-property-office/en/guide-copyright> [Tab 3I].
[10] CIPO Client Service Centre, "Re: Inquiries from CIPPIC re Copyright Registration" (28 May 2024) via email [communicated to Naomi Brearley] [Tab 3I].
[11] *Ibid* [Tab 3I].

CIPO confirmed that its system is designed for speed over scrutiny, stating that "if an applicant submits for registration online [...] the certificates of registration are generated instantaneously."[12] CIPO emphasized this hands-off approach, stating in all-caps that it "DOES NOT VERIFY OWNERSHIP prior to registration" nor does it verify any "other particulars, provided on the application form."[13] When CIPPIC notified CIPO of the invalid authorship on the SURYAST registration, the Office confirmed that correcting its own Register was not its responsibility and advised that if a party is seeking "a review of a copyright registration because the owner is invalid, [they] will need to seek legal advice."[14]

E. Ramifications of registering the SURYAST output

[19] The SURYAST output registration establishes that CIPO will grant copyright to works listing non-human entities as authors. The registration identifies RAGHAV AI as a co-author, despite the absence of legal recognition of non-human authorship in Canadian law.

[20] The Respondent's registration has drawn international attention, with numerous legal publications identifying Canada as one of the first jurisdictions to register a copyright with an AI as a co-author.[15] The Respondent's actions have also prompted wider debate about Canada's approach to copyright registration during a period of technological transition.[16]

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[12] *Ibid* [Tab 3I].
[13] *Ibid* [Tab 3I].
[14] *Ibid* [Tab 3I].
[15] Maya Medeiros et al, "IP monitor: Copyright protection for AI-created work?" (March 2022) online: <https://www.nortonrosefulbright.com/en-ca/knowledge/%20publications/68947aaf/copyright-protection-for-ai-created-work> [Tab 3L]; Baker McKenzie, "Canada: First instance of AI software registered as copyright coauthor" (24 Feb 2022) [Tab 3M]; David Schurr & Jayme Miller, "U.S. Court holds that AI generated works cannot be copyrighted: Implications for AI generated works in Canada" (11 October 2023) online: <https://www.millerthomson.com/en/insights/uncategorized/us-court-ai-generated-works-implications-canada-copyright/> [Tab 3Q]; Kristél Kriel, "Can a Robot's Artwork Be Copyrighted?" (4 August 2022) online: <https://www.mltaikins.com/insights/can-a-robots-artwork-be-copyrighted/> [Tab 3R]; Oyen Wiggs, "CIPO Recognizes an AI as Co-Author in a Copyright Registration" (10 March 2022) online: <https://www.ml4patents.com/blog-posts/cipo-recognizes-an-ai-as-co-author-in-a-copyright-registration> [Tab 3T].
[16] Tamara Winegust, "'Author, Author' – Listing of AI Tool as Artwork's "Author" in Copyright Registration Challenged in Canada's Federal Court" (15 July 2024) online:

[21] The registration suggests that the *Copyright Act* permits non-human authors, contrary to the statute and case law. Because registered works benefit from presumptions of subsistence and ownership under subsection 53(2), any party challenging the registration must prove otherwise.[17]

[22] CIPO's automated registration process may impoverish the public domain and enable individuals to claim copyright over content that does not meet the requirements of originality or authorship. Applicants may receive significant benefits, including economic rights and legal presumptions, without meeting the statutory criteria of the *Act*.

F. CIPPIC's attempts to correct the registry

[23] CIPPIC has made multiple efforts to resolve the matter outside of court. It contacted CIPO to request correction of the Register, but CIPO declined and advised CIPPIC to pursue formal litigation.[18] CIPPIC also attempted to reach the Respondent and his former American counsel but received no response.[19] Having exhausted informal options, CIPPIC now seeks to rectify the Register through section 57(4) of the *Act*.

PART III – POINTS IN ISSUE

[24] This application raises the following issues:

<https://www.lexology.com/library/detail.aspx?g=4093043e-1c20-4e83-9457-b348b00a9504> [Tab 3N]; Casey Chisick et al, "US Court Decides There is No Copyright in AI-Generated Works – What About Canada?" (31 August 2023) online: <https://cassels.com/insights/us-court-decides-there-is-no-copyright-in-ai-generated-works-what-about-canada/> [Tab 3O]; Jordana Sanft, "AI and IP: Who or What Can Be an Author or Inventor in Canada?" (17 February 2022) online: <https://www.litigate.com/ai-and-ip-who-or-what-can-be-an-author-or-inventor-in-canada/pdf> [Tab 3P]; Sean Andrade, "Artificial Intelligence: New Questions for Copyright Law" (29 March 2022) online: <https://www.blaze-ip.ca/article/artificial-intelligence-new-questions-for-copyright-law> [Tab 3S]; Nikita Munjal & Sabrina Macklai, "Canada's First AI-Authored Copyright Registration Paints a Picture of Uncertainty" (21 March 2022) online: <https://www.yorku.ca/osgoode/iposgoode/2022/03/21/canadas-first-ai-authored-copyright-registration-paints-a-picture-of-uncertainty/> [Tab 3U].

[17] *Copyright Act*, *supra* note 1, s 53(2).

[18] CIPO Client Service Centre, "Copyright – Requirement of an Address, Removing Personal Address" (18 May 2024) via email [communicated to Caroline Mercer] [Tab 3I].

[19] Naomi Brearley, "RE: Inquiry re Canadian Counsel/Direct Contact for Ankit Sahni" (19 June 2024) via email [communicated to Alex Garens] [Tab 3Z]; Naomi Brearley, "RE: Inquiry re Direct Contact for Mr. Ankit Sahni" (19 June 2024) via email [communicated to Ankit Sahni] [Tab 3Z]; D May, "Canadian Copyright Registration No. 1188619" (24 June 2024) via LinkedIn Direct Message [communicated to Ankit Sahni] [Tab 3Z].

A. does the Applicant, CIPPIC, have standing to bring an application for rectification of the Register of Copyrights in the public interest;

B. is the SURYAST output sufficiently original to attract copyright protection; and

C. can a generative artificial intelligence system qualify as an "author?"

PART IV – SUBMISSIONS

A. CIPPIC has standing to bring this application as an "interested person"

[25] CIPPIC brings this application under section 57(4) of the *Act*, which allows "any interested person" to apply for rectification of the Register.[20] CIPPIC qualifies as an "interested person" because: (1) a purposive and contextual reading of the term supports a broad interpretation that includes public interest litigants; and (2) CIPPIC meets the requirements for public interest standing and is the only party positioned to bring this challenge.

1. CIPPIC is an "interested person" under the *Copyright Act*

[26] CIPPIC has standing as an "interested person" under section 57(4) of the *Copyright Act* because: a) the text, context, and purpose of the *Act* require a broad and inclusive interpretation of who may bring an application to rectify the Register of Copyrights; and b) CIPPIC's demonstrated expertise and long-standing public interest mandate concerning AI and copyright place it squarely within that broad definition.

a) Text, context and purpose all support a broad reading of "interested person"

[27] Applying the modern approach of statutory interpretation supports a broad reading of "interested person" in section 57(4).[21] A broad reading is appropriate because: (i) the word "interested" has an inclusive ordinary meaning; (ii) Parliament chose not to limit the meaning of "interested person" in the *Act*, unlike in other statutes where it expressly narrowed standing; and

[20] *Copyright Act*, *supra* note 1, 57(4).
[21] *Rizzo & Rizzo Shoes Ltd (Re)*, 1998 CanLII 837 (SCC).

(iii) a broad interpretation aligns with the Act's purpose by enabling meaningful oversight of the Register and promoting accountability within the copyright system.

i) Text

[28] The meaning of the word "interested" is broad and inclusive. The *Canadian Oxford Dictionary* defines "interested" as "having a private interest; not impartial or disinterested" in something, while *Merriam-Webster* includes "having the attention engaged" and "being affected or involved."[22] These definitions do not imply a strict legal or economic interest. Instead, they recognize that someone may be "interested" by virtue of being involved in, affected by, or concerned with a matter.

ii) Context

[29] Contextual factors also call for a broad interpretation of "interested person." Parliament chose not to define "interested parties" with limiting terms. Parliament's treatment of similar terms in other intellectual property statutes supports this broad reading.

[30] The *Trademarks Act* expressly qualifies who has standing to bring an expungement proceeding. Parliament specifies that a "person interested" includes "any person who is affected or reasonably apprehends that he may be affected by any entry in the register."[23] Courts have interpreted this to require a reasonable apprehension that the trademark registration will affect the person or their rights.[24] While the meaning of "person interested" varies by context, courts have interpreted the phrase as setting a low threshold, consistent with the goal of promoting access to

[22] Katherine Barber, ed, *The Canadian Oxford Dictionary* (Oxford University Press, 2005) sub verbo "interested"; *Merriam-Webster.com dictionary*, online: *Merriam-Webster* < https://www.merriam-webster.com/dictionary/interested>.
[23] *Trademarks Act*, RSC 1985, c T-13, s 2.
[24] *Victoria's Secret Stores Brand Management, Inc v Thomas Pink Limited,* 2014 FC 76 at para 28.

the *Trademarks Act*.[25] The *Copyright Act* includes no such qualification, indicating that Parliament intended an even broader reading.

[31] By contrast, the *Patent Act* uses "interested person" without qualifying the term.[26] Courts have accordingly interpreted it widely, suggesting that only those with extreme intentions, such as bad faith or frivolity, may fall outside its meaning.[27] In *Purcell Systems*, the Federal Court held that a party engaged in designing and manufacturing competing products had sufficient interest to bring an invalidity action.[28]

iii) Purpose

[32] A broad interpretation is also consistent with the purpose of the *Copyright Act*. As Justice Binnie explained in *Théberge*, the *Act* seeks to balance the rights of creators with the public interest in the encouragement of and access to works.[29] Allowing public interest litigants to seek rectification helps safeguard that balance. This interpretation ensures that claimants do not use the Register to undermine the Act's purpose. In this case, no private party is positioned to challenge the registration. A restrictive reading of "interested person" would prevent the Court from reviewing such registrations, contrary to Parliament's intent.

[33] The legislative history also reflects that intent. In 1993, Parliament amended section 57(4), replacing "any person aggrieved"—a narrow term—with "any interested person."[30] The drafting

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[25] *Ibid.*
[26] *Patent Act*, RSC 1985, c P-4, s 60; Section 55.2 allows GIC to make regulations specifying who an interested person is, but no such regulation currently exists.
[27] *Bergeron v De Kermor Electric Heating Co*, 1925 CanLII 73 (SCC); *EI Du Pont de Nemours and Co and Du Pont of Canada Ltd v Montecatini Societa Generale per L'Industria Mineraria E Chimica*, 1966 CanLII 933 (CA EXC).
[28] *Purcell Systems, Inc v Argus Technologies Ltd*, 2008 FC 1210.
[29] *Théberge v Galerie d'Art du Petit Champlain Inc*, 2002 SCC 34 at para 30 [*Théberge*].
[30] Canada, Senate Committee, Standing Committee on Legal and Constitutional Affairs, *First Proceedings on: Examination of Bill S-17, An Act to amend the Copyright Act, the Industrial Design Act, the Integrated Circuit Topography Act, the Patent Act, the Trade-marks Act and other Acts in consequence thereof*, 34th Parl, 3rd Sess, No 34 (26 January 1993) at 34:11 (Alan Trociuk).

committee intended the change to broaden the scope of those who could bring an application to rectify the Register.[31]

b) CIPPIC is an "interested person" under the *Copyright Act*

[34] CIPPIC has a demonstrated, long-standing history in copyright and artificial intelligence issues that qualifies it as an "interested person" suited to bring this application. CIPPIC's mandate is to intervene on behalf of the public interest on issues arising at the intersection of law and technology. This mandate perfectly captures this application. The Respondent seeks to have a public debate, which further engages CIPPIC's public interest mandate.

[35] CIPPIC is a trusted actor who has consistently aided the Court in navigating and understanding complex technology law issues. The Supreme Court of Canada, the Federal Court of Appeal and the Federal Court of Canada have all granted CIPPIC intervenor status on many matters involving law and technology over the two decades of CIPPIC's existence.

[36] CIPPIC also frequently provides expert testimony and submissions to Parliamentary Committees and consultations on legislation involving copyright, AI and technology issues. Recent examples include CIPPIC's 2024 submissions to the Government of Canada's Consultation on Copyright in the Age of Generative AI and CIPPIC's 2023 report, titled "Planned Obsolescence," which detailed the shortcomings of the *Artificial Intelligence and Data Act* within Bill C-27.

[37] The Respondent registered the SURYAST output with the Indian, Canadian and American copyright offices as a series of legal test cases and to spur a global debate.[32] The Respondent's copyright registration affects each and every Canadian. It sets a precedent that CIPO accepts AI

[31] *Ibid*, at 34:11-12.
[32] Max Walters et al, "This week in IP: Software developer jailed for IP theft, AI co-author seeks US protection, and more" (03 December 2021), online: *ManagingIP* <https://www.managingip.com/article/2a5d0jj2zjo7fajfxb5z4/this-week-in-ip-software-developer-jailed-for-ip-theft-ai-co-author-seeks-us-protection-and-more >.

and non-human authorship of copyrighted works. This muddies the policy waters about the copyright status of AI outputs and blurs the line between the public domain and copyright liability.

2. CIPPIC meets the test for public interest standing

[38] The important issues raised in this application merit that this Court nonetheless grant CIPPIC standing to bring this application on public interest grounds. Parties that qualify for public interest standing fall within the *Act*'s meaning of "interested persons". Regardless, even on a restrictive reading of the term, this Court should grant CIPPIC public interest standing to bring this application. CIPPIC qualifies for public interest standing because: (a) no private party has standing to challenge the registration; and (b) CIPPIC satisfies the test for public interest standing.

a) No private party has standing

[39] No private party is directly interested in challenging the SURYAST output registration. The work does not infringe the rights of any identifiable person or entity. There is no private squabble over copyright ownership. This is not a defect in CIPPIC's application, but a reason why CIPPIC merits public interest standing. The Respondent's registration raises a systemic question about the validity of non-human authorship under Canadian law and the subsistence of copyright in AI-generated outputs. These questions will go unaddressed unless this Court allows a party like CIPPIC to bring them forward.

b) CIPPIC meets the test for public interest standing

[40] The Supreme Court of Canada set out the test for public interest standing in *Downtown Eastside Sex Workers*.[33] CIPPIC meets the test for public interest standing because: (i) this application raises a serious justiciable issue that falls squarely within the Court's jurisdiction; (ii)

[33] *Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society*, 2012 SCC 45 at para 37.

CIPPIC has a genuine and demonstrated stake in the matter through its ongoing work in copyright and AI policy; and (iii) this proceeding reasonably and effectively brings the issue before the Court.

i) Serious justiciable issue

[41] This application raises a live legal issue within the jurisdiction of the Court. CIPPIC is seeking to rectify the Register under section 57(4) of the *Copyright Act*, and the question is whether the registration meets the legal requirements for copyright. CIPPIC is not asking the Court to issue an opinion or decide a matter in the abstract. The issue is real, serious, and appropriate for judicial determination.

ii) Genuine stake in the proceeding

[42] CIPPIC is not a bystander or a busybody. It is a recognized public interest legal clinic with a mandate to advance the public interest in technology law. CIPPIC has intervened in numerous copyright cases, participated in AI and copyright consultations, and published research on the implications of automated authorship.[34]

[43] The Respondent's registration directly engages CIPPIC's institutional expertise. CIPPIC has repeatedly attempted to address the issue through informal channels, including outreach to CIPO and the Respondent. Its involvement in this case reflects a continuing commitment to the legal and policy questions raised by AI-generated content.

iii) Reasonable and effective means

[44] This proceeding offers the only available forum to resolve the legal issue. No private party is likely to challenge the registration. CIPO told CIPPIC it would take no corrective action. The Respondent ignored CIPPIC's requests to address the registration. This application presents a

[34] Spanglett, *Affidavit*, *supra* note 3 at paras 10-16 [Tab 3]

focused and legally grounded challenge to a registration with broad systemic implications. This approach is both reasonable and effective.

B. The SURYAST output does not enjoy copyright because it has no author

[45] Machine-generated output falls outside the *Act*'s intended scope. The *Act* encourages human authors to invest time, skill and creativity in producing and sharing original works with the public.[35] To serve that purpose, it protects only original works that have an author. The SURYAST output falls outside that scope because (1) RAGHAV AI cannot be considered an author, and (2) Mr. Sahni contributed ideas but no expressive elements to the output.

1. Artificial intelligence systems cannot be authors under the *Copyright Act*

[46] The SURYAST output falls outside the *Act*'s scope because it is machine-generated, rather than "authored" by a person in the sense the *Act* contemplates. A machine cannot qualify as an "author" within the *Act*'s meaning because (a) the Federal Court of Canada has established that an author must be human, (b) the *Act*'s text, context, and purpose presume a human author, and (c) foundational copyright policy presumes a human creator capable of personal expression and cultural dialogue.

a) The Federal Court of Appeal has confirmed that only humans can be authors

[47] The Federal Court of Appeal has confirmed that authorship under the *Act* refers to a natural person. In *PS Knight*, Justice Gleason (as she then was), writing for a unanimous Court, held that "copyright subsists in the expression of ideas and knowledge, which invariably is the product of a human mind."[36] The Court's analysis leaves no room for the inclusion of non-human actors within the meaning of "author."

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[35] *Théberge*, *supra* note 29 at para 30.
[36] *PS Knight Co Ltd v Canadian Standards Association*, 2018 FCA 222 at para 147.

[48] The Supreme Court of Canada has taken the same view. In *Théberge,* the Court described moral rights as protecting the author's personality, viewing the work as an extension of the individual's dignity.[37] Moral rights protect the author's reputation and creative identity, and the *Act* treats them as personal and non-assignable. These features assume that the author is human, as an artificial intelligence system lacks a personality, cannot suffer reputational harm, and has no personal interest in how its outputs are used or altered. The creative choices and personal expression of human beings form the very framework of moral rights.

[49] This interpretation also aligns with the position taken by copyright authorities in other jurisdictions. In its decision to refuse registration for the SURYAST output, the United States Copyright Office repeatedly affirmed that a human being must create a work for it to be copyrightable.[38] The Office grounds its decision in United States Supreme Court precedent, which holds that copyright protects "the fruits of intellectual labor" that "are founded in the creative powers of the [human] mind."[39]

b) The *Copyright Act*'s text, context, and purpose presume a human author

[50] The text, legislative context, and purpose of the *Copyright Act* support the Federal Court of Appeal's conclusion that authorship under Canadian copyright law is limited to natural persons. This interpretation governs this application because: (1) the ordinary meaning of "author" refers to a human being engaged in intellectual or creative labour; (2) the *Act* consistently refers to authors in terms that presuppose legal personhood, citizenship, and mortality; and (3) the statutory purpose of copyright is to incentivize human creativity, not to motivate machines that require no reward to generate outputs.

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[37] *Théberge*, *supra* note 29 at para 15.
[38] US-Sahni Correspondence, *supra* note 6 [Tab 3E].
[39] *Trade-Mark Cases*, 100 U.S. 82 (1879).

i) Text

[51] Although the *Act* does not define "author", dictionary sources provide useful guidance. The Oxford English Dictionary defines "author" as "[t]he writer of a book or other work; a person whose occupation is writing books."[40] Black's Law Dictionary defines "author" as "[o]ne who produces, by his own intellectual labour applied to the materials of his composition, an arrangement or compilation new in itself."[41] Both definitions reflect qualities exclusive to human creators.

[52] The *OED* definition describes an author as a person engaged in an occupation involving the production of works such as books. The *Black's* definition introduces a requirement of intellectual labour applied by the author. Artificial intelligence meets neither criterion. It is not a person and does not hold an occupation. It does not engage in intellectual labour; it processes data and produces outputs based on inputs and training.

ii) Context

[53] Several provisions of the *Act* explicitly refer to the author's human characteristics or legal status. Section 5(1)(a) requires that an author be a citizen, subject, or resident of a treaty country at the time of creation.[42] Section 6 ties the duration of copyright to the author's life and date of death. These provisions cannot apply to an AI system. The term "author" also appears throughout the *Act* in conjunction with roles such as "performer," "sculptor," and "maker," each of which implies human activity. The consistent presumption across the *Act* is that authors are humans.

[40] *Oxford English Dictionary* (Oxford: Oxford University Press, 2025) sub verbo "author".
[41] Bryan A Garner, JD, LLD, ed, *Black's Law Dictionary*, 10th ed (St Paul, MN: Thomson Reuters, 2014) sub verbo "author".
[42] *Copyright Act*, *supra* note 1, s 5(1)(a).

iii) Purpose

[54] A purposive interpretation of the *Copyright Act* confirms that Parliament only intended for copyright to apply to human works. The drafters of the *Act* intended to "protect and encourage creative endeavours," guaranteeing that authors would reap the financial rewards of their labour even as novel technologies emerged.[43] They also warned against "abuse or illegal use of present and future inventions," signalling a concern that unrestrained machines might appropriate or undermine human works.[44] Granting copyright to an AI system would conflict with these aims. It would siphon off royalties and recognition from real individuals while offering no practical check against automated exploitation of protected material.

[55] AI systems do not require incentives and can produce outputs at a fraction of the cost of human creation. The risk to the public interest is particularly acute. AI could outcompete human authors indefinitely, as it does not experience death, fatigue, or resource constraints. Extending authorship to AI would undermine the Act's foundational goal of rewarding intellectual labour. Parliament did not intend this result, and this Court should interpret the *Act* accordingly.

c) Copyright policy protects human expression, not machine output

[56] The Supreme Court of Canada interprets the *Act* through a relational framework that is fundamentally human. In *Théberge*, the Court defined the *Act*'s purpose as a balance between providing a "just reward for the creator" and promoting the "public interest in the encouragement and dissemination of works."[45] This is not a mere economic balance. It presupposes what Carys Craig and Ian Kerr described as the core of human authorship: a "dialogic and communicative act

[43] Canada, House of Commons, Standing Committee on Communications and Culture, *Minutes of Proceedings and Evidence of the Subcommittee on the Revision of Copyright*, 33rd Parl, 1st Sess, No 1 (5 September 1985) at 1:21 (Marcel Masse) [Minutes of Proceedings].
[44] *Ibid* at 1:22.
[45] *Théberge*, *supra* note 29 at para 30.

that is inherently social, with the cultivation of selfhood and social relations being the entire point of the practice."[46] An AI requires no reward and cannot participate in this public dialogue, which is why the very idea of an AI author is a fundamental "category mistake."[47]

[57] This balance sustains a creative dialogue that is essential to fulfilling copyright's purpose. The Supreme Court of Canada recognized this dialogic model in *CCH*, where it held that a "robust public domain" is essential to "help foster future creative innovation," ensuring human creators can continue this cultural conversation.[48] An AI, on the other hand, only recombines existing materials according to statistical patterns learned from data, without genuine dialogue or accountability.

[58] This understanding of copyright as a vehicle for human self-expression and cultural development has been a consistent feature of Canadian policy. In his opening address to the subcommittee on the revision of copyright in 1985, the Honourable Marcel Masse stressed these same goals.[49] Recognizing AI as an author would undermine this entire framework. The *Act*'s core purpose is to encourage human self-expression, sustain cultural dialogue and enrich the public domain over time. Those aims cannot align with artifacts generated by autonomous code.

[59] The *Act*'s moral rights provisions reflect this human-centric model. As the Court recognized in *Théberge*, moral rights protect the author's "personality" and "dignity"—an extension of their human self.[50] AI has no personality to protect, no reputation to harm, and no pride in its output. Granting authorship to machines would render these rights meaningless and displace the human incentives of risk, effort and reputation that the *Act* protects.

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[46] Carys Craig and Ian Kerr, "The Death of the AI Author" (2021) 52(1) Ottawa LR 31 at 31.
[47] *Ibid*.
[48] *CCH Canadian Ltd v Law Society of Upper Canada*, 2004 SCC 13 at para 23 [*CCH*].
[49] Minutes of Proceedings, *supra* note 43 at 1:21.
[50] *Théberge*, *supra* note 29 at para 15.

2. Mr. Sahni only contributed ideas

[60] Mr. Sahni is likewise not an author of the SURYAST output because authorship requires contributing to an output's expression, not just its underlying idea. RAGHAV AI was solely responsible for creating the output's final expressive form. In *CCH*, the Supreme Court of Canada established that copyright protects "only the expression or form of ideas," not ideas in and of themselves.[51] An author is the person who gives an idea its final, expressive form; a person who merely conceives of the idea does not qualify as an author.

[61] Mr. Sahni contributed only unprotectable ideas, providing high-level instructions rather than final expression. His process involved selecting a content input, a style input, and a variable for the degree of style transfer. While he calls this "independent artistic expression and discretion," These choices merely define the conceptual idea for the output: combine this photo with the style of this painting at this intensity.[52]

[62] Mr. Sahni admits he did not control the image's final expression. He states that RAGHAV AI "performed" the "interpretation of [his] inputs" and that its contribution was "distinct, disparate and independent" from his own. [53] The AI's creator, Raghav Gupta, confirms this lack of control, stating a user "may not be able to control what image the RAGHAV will generate."[54] Mr. Sahni supplied the ideas; RAGHAV AI independently generated the final image's expressive features, such as its unique brushstrokes, colours, and textures.

[63] The United States Copyright Office came to a similar conclusion in its review of Mr. Sahni's process. The Office found that Mr. Sahni's level of contribution did not meet the threshold for authorship because "the RAGHAV app, and not Mr. Sahni [...] was responsible for generating

[51] *CCH*, *supra* note 48 at para 8.
[52] Sahni, *Affidavit*, *supra* note 2 at para 10.
[53] *Ibid* at paras 12–13.
[54] Gupta, *Affidavit*, *supra* note 2 at para 28.

the 2-dimensional image submitted for registration."[55] In reaching its conclusion, the Office relied upon Mr. Sahni's concession that he did not make any modifications to the final output generated by the AI.

[64] The nature of Mr. Sahni's contribution to the SURYAST output would be insufficient to grant him a copyright interest as a joint author even if he had worked with a human artist. In *Tremblay*, this Court emphasized the foundational principle that authorship belongs to the person who gives the work its form and expression.[56] In *Kantel*, the Exchequer Court established that a person who "merely suggests certain ideas without contributing anything to the literary or dramatic form […] is not a joint author."[57] Mr. Sahni's act of providing a base photograph, style image, and style-weight value constitutes a conceptual suggestion, not an expressive contribution to the output that followed.

[65] Continuing this hypothetical, Mr. Sahni did not engage in the collaboration required to qualify as a joint author. For joint authorship to exist, the authors must work jointly, and their contributions must not be distinct.[58] Mr. Sahni's contribution of providing the initial inputs was a discrete, preliminary step, entirely separate from the subsequent act of generating the final output. He did not participate in a mutual effort to generate the unique brushstrokes, colours, and textures that define the SURYAST output.

C. The SURYAST output cannot be copyrighted because it is not original

[66] Even if this Court is of the opinion that the SURYAST output has an author and so is a work as understood by the *Copyright Act*, the output is not original and so cannot sustain copyright.

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[55] US-Sahni Correspondence, *supra* note 6 at 5 [Tab 3D].
[56] *Tremblay v Orio Canada Inc*, 2013 FC 109 at para 34.
[57] *Kantel v Frank E Grant, Nisbet & Auld Ltd*, 1933 CanLII 584 (CA EXC) at 94.
[58] *Neugebauer v Labieniec*, 2009 FC 666 at paras 41-42

Copyright subsists only in "original literary, dramatic, musical and artistic works."[59] In *CCH*, the Court established that for a work to be original, it must originate from an author who exercised "skill and judgment" in its creation.[60] Mere labour or mechanical effort is not sufficient.

[67] The SURYAST output does not meet this threshold. It is not original because: (1) RAGHAV AI is incapable of exercising skill or judgment at all, and (2) Mr. Sahni only contributed ideas to RAGHAV AI, which have no bearing on whether the output is original.

1. An artificial intelligence system cannot exercise skill or judgment

[68] RAGHAV AI cannot satisfy the requirement that an author exercise skill and judgment. Skill refers to "the use of one's knowledge, developed aptitude or practiced ability in producing the work."[61] Judgment refers to "the use of one's capacity for discernment or ability to form an opinion or evaluation by comparing different possible options in producing the work."[62] These human faculties are essential to originality; a non-human actor cannot meet that standard.

[69] RAGHAV AI's process is purely computational and cannot be mistaken for an exercise of skill and judgment. It is a generative AI model that performs neural style transfer.[63] It receives two inputs—a base image and a style image—and uses convolutional neural networks to blend these images based on internal weights and parameters.[64] The user can provide a variable indicating the intensity of the style transfer, but RAGHAV AI's algorithm determines how to combine the inputs. This probabilistic process often produces non-reproducible outputs. [65] The user does not direct the outcome or select among generated options. The system performs calculations that are opaque and inaccessible to the user.

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[59] *Copyright Act*, *supra* note 1, s 5(1) (emphasis added).
[60] *CCH*, *supra* note 48 at para 16.
[61] *Ibid*.
[62] *Ibid*.
[63] Phillip Mitchell Williams, *Affidavit of Phillip Mitchell Williams* (11 April 2025) at paras 36–37 [Tab 2].
[64] *Ibid* at para 36.
[65] *Ibid* at para 43.

[70] This Court's treatment of database compilations provides a useful analogy for assessing this mechanical process. While this Court's 1996 decision in *Tele-Direct* predates *CCH*, it applies a similar standard for originality.[66] In that case, this Court denied copyright protection to the Yellow Pages directory, finding the directory lacked sufficient originality. The Court held that Tele-Direct simply took pre-existing data that Bell Canada provided and organized it using "accepted, commonplace standards of selection in the industry".[67] Although the process was complex, the Court determined the arrangement involved only a "minimal degree of skill, judgment or labour" and therefore could not warrant copyright protection.[68]

[71] RAGHAV AI's process is directly analogous. The AI began with pre-existing data it did not create (the base and style images), just as Tele-Direct received subscriber data from Bell Canada. It then applied its algorithm—a complex but ultimately pre-determined set of rules—to process and arrange that data into the SURYAST output. This algorithmic function mirrors the use of commonplace industry standards to organize a list. In *Tele-Direct*, the Court held that a mechanical application of rules to existing data was unoriginal; RAGHAV AI's process similarly lacks the requisite "skill and judgment" for copyright protection.

[72] RAGHAV AI did not exercise intention, discernment or creative judgment. It did not select between possible options in an expressive sense. It did not know what it was doing, nor did it modify its output based on artistic purpose. It simply computed. Although the result may appear artistic, statistical inference—not intellectual effort—produced it. Absent the human knowledge,

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[66] *Tele-Direct (Publications) Inc v American Business Information*, 1997 CanLII 6378 (FCA).
[67] *Ibid* at para 6 citing lower court decision.
[68] The Supreme Court of Canada subsequently raised this standard in *CCH*, expressly rejecting the "sweat of the brow" approach and holding that originality requires an exercise of "skill and judgment," from which mere labour is excluded.

discernment, and evaluation that define skill and judgment, the SURYAST output is not sufficiently original to merit copyright protection.

2. Mr. Sahni contributed unprotectable ideas, not original expression

[73] Mr. Sahni's contribution of mere ideas cannot satisfy the originality requirement because the originality of a work stems from its expression, not its underlying concepts. The Court was unequivocal in *CCH* that the "originality requirement must apply to the expressive element of the work and not the idea."[69] Mr. Sahni only contributed the conceptual idea for the SURYAST output. His contribution has no bearing on whether the expression of the SURYAST output, which RAGHAV AI autonomously generated, is original.

[74] Even if this Court finds Mr. Sahni's input to be expressive, his actions do not demonstrate the sufficient skill and judgment necessary to render SURYAST original. In *CCH*, the Court stressed that the exercise of skill and judgment should not be "so trivial that it could be characterized as a purely mechanical exercise." [70] In *Lainco*, this Court found a structural design was sufficiently original because the author engaged in a lengthy "trial and error" process, making choices and weighing different combinations to create a "distinctive aesthetic appearance."[71] Mr. Sahni undertook no such process. His selection of a photo, a famous painting, and an intensity level is a trivial and mechanical act that lacks the skill and judgment—the "practiced ability" and "capacity for discernment"—required to meet the *CCH* standard.[72]

[75] Mr. Sahni's selection of "The Starry Night*"* was not an exercise of unique artistic judgment, but rather the selection of a commonplace and default option for this technology. While the Respondent claims in his affidavit that he chose the painting after considering its particular

[69] *CCH*, *supra* note 48 at para 14.
[70] *Ibid* at para 16.
[71] *Lainco Inc v Commission scolaire des Bois-Francs*, 2017 FC 825 at paras 97–98 [*Lainco*].
[72] *CCH*, *supra* note 48 at para 16.

patterns, its features, and RAGHAV AI's ability to learn the style, this is one of the most popular and frequently used styles for AI image generation.[73] It is often included in tutorials and even offered as a pre-built model for users to apply. Choosing a default or popular option does not demonstrate the skill or judgment that the Supreme Court of Canada requires for originality.

[76] Mr. Sahni's process lacks the intellectual effort in selection and arrangement that courts have recognized as sufficient for originality. In *Lainco*, this Court found that the "choice and combination" of known structural elements to create a distinctive visual work was sufficiently original to attract copyright protection. [74] Likewise, in *Cinar*, the Supreme Court of Canada determined that the particular and distinct combination of characters and plot points was original, not the generic elements themselves.[75] Mr. Sahni did not perform any such combination or arrangement. He outsourced the entire act of expression—the complex intermingling of the content and style images—to RAGHAV AI. His contribution was an act of delegation, not the skilled arrangement and combination that gives rise to an original work.

[77] The entire process for creating the SURYAST output failed to produce an original work; at no stage did a human apply skill and judgment to the work's final expression. Mr. Sahni's contribution was a mechanical act of selecting inputs, which is too trivial to meet Canada's originality standard. Following this input, RAGHAV AI, not Mr. Sahni, autonomously generated the form of the output.

[78] This disconnect between the human prompt and the generated image means the SURYAST output is a product of computation, not of expression, and is bereft of the human skill and judgment that merits the grant of copyright at all.

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[73] Sahni, *Affidavit*, *supra* note 2 at para 7; Spanglett, *Affidavit*, *supra* note 3 at para 32 [Tab 3].
[74] *Lainco*, *supra* note 71 at paras 127–128.
[75] *Cinar Corporation v Robinson*, 2013 SCC 73 at paras 45–46.

PART V – RELIEF SOUGHT

[79] The Applicant seeks:

a. a declaration that:

   i. there is no copyright in the SURYAST output, or

   ii. alternatively, if there is copyright in the SURYAST output, that the Respondent is its sole author;

b. an Order:

   i. pursuant to paragraph 57(4)(b) of the *Copyright Act*, to rectify the Register of Copyrights by expunging the Registration dated December 1, 2021, in connection with the SURYAST output (Canadian Copyright Registration Number 1188619); or

   ii. in the alternative, pursuant to paragraph 57(4)(c) of the *Copyright Act*, to rectify the Register of Copyrights by removing "RAGHAV Artificial Intelligence Painting App" from the SURYAST Registration as a co-author;

c. CIPPIC does not seek costs and asks that costs not be awarded against it given the important public policy issues raised in this Application; and

d. such further or other relief as this Honourable Court may deem just.

ALL OF WHICH IS RESPECTFULLY SUBMITTED this 26 June 2025.

David Fewer
Counsel for the Applicant

PART VI – LIST OF AUTHORITIES

Authority	Para.
Statutes and Regulations	
Copyright Act, RSC 1985, c C-42, s 5(1), 53(2), 54(1), 57(4)	4, 16, 21, 25, 53, 66
Trademarks Act, RSC 1985, c T-13, s 2	30
Patent Act, RSC 1985, c P-4, s 60	31
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Canada (Attorney General) v Downtown Eastside Sex Workers United Against Violence Society, 2012 SCC 45	40
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PS Knight Co Ltd v Canadian Standards Association, 2018 FCA 222	47
Purcell Systems, Inc v Argus Technologies Ltd, 2008 FC 1210	31
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Tele-Direct (Publications) Inc v American Business Information, 1997 CanLII 6378 (FCA)	71
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Trade-Mark Cases, 100 U.S. 82 (1879)	49
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Canada, Senate Committee, Standing Committee on Legal and Constitutional Affairs, *First Proceedings on: Examination of Bill S-17, An Act to amend the Copyright Act, the Industrial Design Act, the Integrated*	33

Circuit Topography Act, the Patent Act, the Trade-marks Act and other Acts in consequence thereof, 34th Parl, No. 34 (26 January 1993)	
Casey Chisick et al, "US Court Decides There is No Copyright in AI-Generated Works – What About Canada?" (31 August 2023)	20
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Jordana Sanft, "AI and IP: Who or What Can Be an Author or Inventor in Canada?" (17 February 2022)	20
Katherine Barber, ed, *The Canadian Oxford Dictionary* (Oxford University Press, 2005) sub verbo "interested"	28
Kristél Kriel, "Can a Robot's Artwork Be Copyrighted?" (4 August 2022)	20
Max Walters et al, "This week in IP: Software developer jailed for IP theft, AI co-author seeks US protection, and more" (03 December 2021)	37
Maya Medeiros et al, "IP monitor: Copyright protection for AI-created work?" (March 2022)	20
Nikita Munjal & Sabrina Macklai, "Canada's First AI-Authored Copyright Registration Paints a Picture of Uncertainty" (21 March 2022)	20
Oxford English Dictionary (Oxford: Oxford University Press, 2025) sub verbo "author"	51
Oyen Wiggs, "CIPO Recognizes an AI as Co-Author in a Copyright Registration" (10 March 2022)	20
Sean Andrade, "Artificial Intelligence: New Questions for Copyright Law" (29 March 2022)	20
Sukanya Sarkar, "Exclusive: India recognises AI as co-author of copyrighted artwork" (5 August 2021)	14
"SURYAST" (artistic) Ankit Sahni, Canada 1188619 (1 December 2021) registered	15
Tamara Winegust, "'Author, Author' – Listing of AI Tool as Artwork's "Author" in Copyright Registration Challenged in Canada's Federal Court" (15 July 2024)	20

APPENDIX A – STATUTORY PROVISIONS

Copyright Act, RSC 1985, c C-42

Conditions for subsistence of copyright

5(1) Subject to this Act, copyright shall subsist in Canada, for the term hereinafter mentioned, in every original literary, dramatic, musical and artistic work if any one of the following conditions is met:

(a) in the case of any work, whether published or unpublished, including a cinematographic work, the author was, at the date of the making of the work, a citizen or subject of, or a person ordinarily resident in, a treaty country;

(b) in the case of a cinematographic work, whether published or unpublished, the maker, at the date of the making of the cinematographic work,

(i) if a corporation, had its headquarters in a treaty country, or

(ii) if a natural person, was a citizen or subject of, or a person ordinarily resident in, a treaty country; or

(c) in the case of a published work, including a cinematographic work,

(i) in relation to subparagraph 2.2(1)(a)(i), the first publication in such a quantity as to satisfy the reasonable demands of the public, having regard to the nature of the work, occurred in a treaty country, or

(ii) in relation to subparagraph 2.2(1)(a)(ii) or (iii), the first publication occurred in a treaty country.

Conditions d'obtention du droit d'auteur

5(1) Sous réserve des autres dispositions de la présente loi, le droit d'auteur existe au Canada, pendant la durée mentionnée ci-après, sur toute oeuvre littéraire, dramatique, musicale ou artistique originale si l'une des conditions suivantes est réalisée:

(a) pour toute oeuvre publiée ou non, y compris une oeuvre cinématographique, l'auteur était, à la date de sa création, citoyen, sujet ou résident habituel d'un pays signataire;

(b) dans le cas d'une oeuvre cinématographique — publiée ou non —, à la date de sa création, le producteur était citoyen, sujet ou résident habituel d'un pays signataire ou avait son siège social dans un tel pays;

(c) s'il s'agit d'une oeuvre publiée, y compris une oeuvre cinématographique, selon le cas :

(i) la mise à la disposition du public d'exemplaires de l'oeuvre en quantité suffisante pour satisfaire la demande raisonnable du public, compte tenu de la nature de l'oeuvre, a eu lieu pour la première fois dans un pays signataire,

(ii) l'édification d'une oeuvre architecturale ou l'incorporation d'une oeuvre artistique à celle-ci, a eu lieu pour la première fois dans un pays signataire.

Register to be evidence

53(1) The Register of Copyrights is evidence of the particulars entered in it, and a copy of an entry in the Register is evidence of the particulars of the entry if it is certified by the Commissioner of Patents, the Registrar of Copyrights or an officer, clerk or employee of the Copyright Office as a true copy.

Preuve

53(1) Le registre des droits d'auteur, de même que la copie d'inscriptions faites dans ce registre, certifiée conforme par le commissaire aux brevets, le registraire des droits d'auteur ou tout membre du personnel du Bureau du droit d'auteur, fait foi de son contenu.

Owner of copyright

(2) A certificate of registration of copyright is evidence that the copyright subsists and that the person registered is the owner of the copyright.

Titulaire du droit d'auteur

(2) Le certificat d'enregistrement du droit d'auteur constitue la preuve de l'existence du droit d'auteur et du fait que la personne figurant à l'enregistrement en est le titulaire.

Register of Copyrights

54(1) The Minister shall cause to be kept at the Copyright Office a register to be called the Register of Copyrights in which may be entered

- **(a)** the names or titles of works and of other subject-matter in which copyright subsists;
- **(b)** the names and addresses of authors, performers, makers of sound recordings, broadcasters, owners of copyright, assignees of copyright, and persons to whom an interest in copyright has been granted by licence; and
- **(c)** such other particulars as may be prescribed by regulation.

Registre des droits d'auteur

54(1) Le ministre fait tenir, au Bureau du droit d'auteur, un registre des droits d'auteur pour l'inscription :

- **(a)** des noms ou titres des oeuvres ou autres objets du droit d'auteur;
- **(b)** des noms et adresses des auteurs, artistes-interprètes, producteurs d'enregistrements sonores, radiodiffuseurs et autres titulaires de droit d'auteur, des cessionnaires de droit d'auteur et des titulaires de licences accordant un intérêt dans un droit d'auteur;
- **(c)** de tous autres détails qui peuvent être prévus par règlement.

Rectification of Register by the Court

(4) The Federal Court may, on application of the Registrar of Copyrights or of any interested person, order the rectification of the Register of Copyrights by

- **(a)** the making of any entry wrongly omitted to be made in the Register,
- **(b)** the expunging of any entry wrongly made in or remaining on the Register, or
- **(c)** the correction of any error or defect in the Register,

and any rectification of the Register under this subsection shall be retroactive from such date as the Court may order.

Rectification des registres par la Cour

57(4) La Cour fédérale peut, sur demande du registraire des droits d'auteur ou de toute personne intéressée, ordonner la rectification d'un enregistrement de droit d'auteur effectué en vertu de la présente loi :

- **(a)** soit en y faisant une inscription qui a été omise du registre par erreur;
- **(b)** soit en radiant une inscription qui a été faite par erreur ou est restée dans le registre par erreur;
- **(c)** soit en corrigeant une erreur ou un défaut dans le registre.

Pareille rectification du registre a effet rétroactif à compter de la date que peut déterminer la Cour.

Trademarks Act, RSC 1985, c T-13

Definitions

2 In this Act,

person interested includes any person who is affected or reasonably apprehends that he may be affected by any entry in the register, or by any act or omission or contemplated act or omission under or contrary to this Act, and includes the Attorney General of Canada; (*personne intéressée*)

Définitions

2 Les définitions qui suivent s'appliquent à la présente loi.

personne intéressée Sont assimilés à une personne intéressée le procureur général du Canada et quiconque est atteint ou a des motifs valables d'appréhender qu'il sera atteint par une inscription dans le registre, ou par tout acte ou omission, ou tout acte ou omission projeté, sous le régime ou à l'encontre de la présente loi. (*person interested*)

Patent Act, RSC 1985, c P-4

Impeachment of patents or claims

60(1) A patent or any claim in a patent may be declared invalid or void by the Federal Court at the instance of the Attorney General of Canada or at the instance of any interested person.

Invalidation de brevets ou de revendications

60(1) Un brevet ou une revendication se rapportant à un brevet peut être déclaré invalide ou nul par la Cour fédérale, à la diligence du procureur général du Canada ou à la diligence d'un intéressé.