

# NOTICE OF APPROVAL OF SETTLEMENT OF CLASS PROCEEDING ROBERTSON V. THOMSON AND OTHERS

If you are a writer, artist or photographer, wherever you live,  
please read this notice carefully as it may affect your rights.

This is a court-approved notice to people who may be members of the Class in the above class proceeding. It describes the class proceeding, the class of people affected, and the court-approved settlement of this class proceeding.

In 1996, Heather Robertson (the "Plaintiff"), a freelance writer, commenced an action against The Thomson Corporation (now, Thomson Reuters Corporation), Thomson Canada Limited (now, Thomson Reuters Canada Limited), Thomson Affiliates and Information Access Company (now, The Gale Group, Inc.). In 2001, the action was amended to include Bell Globemedia Publishing Inc. (now CTVglobemedia Publishing, Inc.) as a defendant (collectively, the "Defendants"). In the action, the Plaintiff alleges that the Defendants infringed the rights of creators or assignees of original literary or artistic works published in print media in Canada ("Works") by disseminating or authorizing the dissemination of copies of the Works through electronic databases, contrary to the Canadian *Copyright Act*. The Plaintiff sought compensatory, punitive and exemplary damages, as well as injunctive relief, on behalf of writers, artists and photographers who created the Works ("Creators"), their estates and assigns. The Defendants denied the Plaintiff's claims. In 1999, the Ontario Superior Court of Justice certified this action as a class proceeding, on behalf of the creators of original literary and artistic Works, their estates or assigns, wherever they live. By further Order of the Court dated August 12, 2009, the action was limited to Works published in print prior to May 1, 2009.

## SETTLEMENT APPROVAL

The parties attended before the Ontario Superior Court of Justice on June 16, 2009, and obtained court approval of the settlement agreement reached between the parties, as well as Class Counsel fees in the amount of \$4,000,000.

Under the terms of the approved Settlement, the Defendants will pay C\$11,000,000, inclusive of legal and settlement administration fees, to provide benefits to Class Members. The Settlement includes a compensation plan for freelance Works, an alternative take-down benefit for freelance Works that appeared in *The Globe and Mail*, as well as a donation to the Professional Writers Association of Canada, The Writers' Union of Canada and the Canadian Association of Photographers and Illustrators in Communications, to the general benefit of all Creators of written and artistic Works. The settlement includes a release of all claims, as well as a license in respect of Works that are not taken down.

The case has been financially supported by the Class Proceedings Fund operated by the Law Foundation of Ontario, and as required by law 10% of the net proceeds of the case will be paid to the Class Proceedings Fund.

Eligible Class Members may complete and submit a claim form to the Claims Administrator, listing freelance Works for which compensation is sought. The Claims Administrator processes the claims and establishes entitlements of individual Class Members, according to the distribution scheme outlined below. For Works that appeared in *The Globe and Mail*, Eligible Class Members may choose to forego compensation, and instead request that those Works be removed from the commercial databases maintained by the Defendants. A member's entitlement to compensation will be calculated on the basis of a points system which takes into account various factors, including whether the Class Member was remunerated for the Work, the length of the Work, and the circulation of the publication in which the Work initially appeared. No class Member will be entitled to compensation in excess of 1% of the total Compensation Fund.

The fees of the Claims Administrator will be deducted from the Settlement Funds.

## TO MAKE A CLAIM FOR COMPENSATION

The Court appointed William Dovey of Cole & Partners as Claims Administrator. The Claims Administrator's contact information is as follows:

80 Richmond Street West, Suite 2000, Toronto, Ontario, M5H 2A4

Tel: (416) 361-2590 Fax: (416) 364-2904

To receive compensation, each Class Member must submit a completed Claim Form and supporting documents, on or before 5:00 p.m. Toronto time on January 18, 2010. The Claim Form is available at Class Counsel's website, [www.kmlaw.ca/robertsonvthomson](http://www.kmlaw.ca/robertsonvthomson), or by calling Cole and Partners, at (416) 361-2590 or by visiting their website at [www.coleandpartners.com](http://www.coleandpartners.com), or by email to [claimsadministrator@coleandpartners.com](mailto:claimsadministrator@coleandpartners.com).

The Claim Form should be submitted by mailing, emailing or faxing the Claim Form and supporting documents to the Claims Administrator at the above-noted address. If you fail to submit a Claim Form and the supporting documents, on or before 5:00 p.m. Toronto time on January 18, 2010, you will not receive any part of the net settlement monies unless the Court extends the deadline.

## OPTING OUT

If you are a person falling within the Class described above and you did not opt out when the action was certified in 1999, you will automatically be included in the Class unless you opt out now. Class Members who do not opt out may seek the settlement benefits described above.

To opt out of the Class you must fill out the Form below and send it to Koskie Minsky LLP (at the address listed below), the lawyers for the Class. The deadline for opting out is November 2, 2009. If your written request to opt out is not received by that date you will remain a member of the Class.

## FURTHER INFORMATION

If you are a Class Member and wish to obtain additional information about the Settlement, please contact Koskie Minsky LLP at the address below:

Koskie Minsky LLP  
Barristers & Solicitors  
20 Queen St. West, Suite 900, Box 52  
Toronto, ON, M5H 3R3, Tel: 1-866-777-6323  
Re: Robertson v. Thomson et al.

In addition, information is available on Class Counsel's website at [www.kmlaw.ca/robertsonvthomson](http://www.kmlaw.ca/robertsonvthomson).

PLEASE DO NOT CONTACT THE COURT OR THE REGISTRAR OF THE COURT ABOUT THIS CLASS PROCEEDING. THEY ARE NOT ABLE TO ANSWER YOUR QUESTIONS.

Dated: October 3, 2009

## OPT OUT FORM

**THIS IS NOT A REGISTRATION FORM OR CLAIM FORM. IT EXCLUDES YOU FROM THE SETTLEMENT CLASS.**

To: Koskie, Minsky LLP  
900 - 20 Queen St. West, Box 52  
Toronto, ON M5H 3R3  
Attn: Robertson v. Thomson, et al.

I \_\_\_\_\_ (please print full name) am a/the:  
(please check the applicable boxes)

- writer;  artist;  photographer (or author as per the Canadian *Copyright Act*);  
 estate or assignee of any of the above; of Works as defined in the Notice.

I confirm that:

- my Works were not created under a collective agreement that governed the use of the Works in electronic media;  
 I have not given written permission to make my Works available in commercial online databases operated by or authorized by the defendants

I wish to opt out of the Robertson v. Thomson class action. I understand that by opting out, I will not be entitled to any of the benefits of the settlement.

Signature \_\_\_\_\_

Address:

Postal code:

Telephone:

**Note: To opt out, this form must be completed and received at the above address before November 2, 2009**