

10. From 1971 to the creation of Canada Post in 1981, each iteration of the CPC Database was authored by employees of the Post Office Department under the direction and control of Her Majesty and the copyright in the CPC Database belonged to Her Majesty.
11. Her Majesty's copyright to the CPC Database was transferred to Canada Post upon its creation by the coming into force of the CPC Act in 1981. As the successor to the Post Office Department, Canada Post was transferred by law certain property, rights and assets of the Post Office Department, including the copyright to past iterations of the CPC Database, to be used, disposed of or enforced by Canada Post. Canada Post pleads and relies on section 63 of the CPC Act.
12. Since the creation of Canada Post in 1981, each iteration of the CPC Database was authored by employees of Canada Post in the course and scope of their employment. Canada Post is the owner in the copyright in the iterations of the CPC Database from 1971 to the present. Canada Post pleads and relies on sections 12 and 13 of the *Copyright Act*.
13. Each new iteration of the CPC Database was first published in Canada, which is a member of the Berne Convention and a WTO member.
14. Since its inception, the CPC Database has been continuously updated and maintained. At present, there are approximately 890,000 Postal Codes in the CPC Database.
15. The CPC Database bears copyright notices indicating that it is protected by copyright and that the Plaintiff is the owner.

#### **The Defendants' Actions**

16. The Defendant operates a commercial website at [www.geocoder.ca](http://www.geocoder.ca) where it offers geographic information systems (GIS) data products and related online services.