

## CLASS DEFINITION

- A.** All persons who were the authors or creators of original literary works (“Works”) which were published in Canada in any newspaper, magazine, periodical, newsletter, or journal (collectively “Print Media”) by Toronto Star Newspapers Limited, Rogers Publishing Limited, Canwest Publishing Inc. or their Affiliates on or before the date of this order which Print Media have been reproduced, distributed or communicated to the public by telecommunication by, or pursuant to the purported authorization or permission of, one or more of the defendants or their Affiliates, through any electronic database, excluding electronic databases in which only a precise electronic reproduction of the Work or a substantial portion thereof is made available (such as PDF and analogous copies) (collectively “Electronic Media”), excluding:
- (a) persons who by written document assigned or exclusively licensed all of the copyright in their Works to a defendant, a licensor to a defendant, or any third party; or
  - (b) persons who by written document granted to a defendant or its Affiliates or a licensor to a defendant a license to publish or use their Works in Electronic Media; or
  - (c) persons who were employees of a defendant or a defendant’s Affiliate or a licensor to the defendant, with respect to any Works created in the course of their employment.

Where the Print Media publication was a Canadian edition of a foreign publication, only Works comprising the content exclusive to the Canada edition shall qualify for inclusion under this definition.

(Persons included in clause A are hereinafter referred to as “Creators”. A “licensor to a defendant” is any party that has purportedly authorized or provided permission to one or more defendants to make Works available in Electronic Media. References to defendants or licensors to defendants include their predecessors and successors in interest.)

- B.** All persons (except a defendant or a licensor to a defendant) to whom a Creator, or an Assignee, assigned, exclusively licensed, granted or transmitted a right to publish or use their Works in Electronic Media.

(Persons included in clause B are hereinafter referred to as "Assignees")

- C.** Where a Creator or Assignee is deceased, the personal representatives of the estate of such person unless the date of death of the Creator was on or before December 31, 1950.

### Definition of Affiliate

“Affiliates” means, in respect of a company,

- (i) all divisions, subsidiaries, affiliated companies and parent companies of the company;
- (ii) the present and former directors, officers, agents, servants and employees of the company and the entities described in (i); and
- (iii) the successors, heirs, executors, estate trustees, administrators, assigns, licencees and sub-licencees of the persons and/or entities described in subparagraphs (i) and (ii).