

injunction, accounting or otherwise, as the court considers appropriate.

(2) In any action under subsection (1) against a person,

(a) a monetary judgment may not exceed one thousand dollars where the person is an individual and the conduct engaged in by the person is not contrary to subsection 11.1(3) nor engaged in for commercial gain; and

(b) the costs of the parties are in the discretion of the court.

(3) In any action under subsection (1) against a person, the record of proceedings in any court in which that person was convicted of an offence under section 11.1 is, in the absence of any evidence to the contrary, proof that the person against whom the action is brought engaged in conduct that was contrary to a provision of that section and any evidence given in those proceedings as to the effect of such conduct on the person bringing the action is evidence thereof in the action.

(4) For the purposes of any action under subsection (1), the Federal Court is a court of competent jurisdiction.

(5) No action may be brought under subsection (1) later than three years after the conduct giving rise to the action was engaged in.

(6) Nothing in this section affects any right or remedy that an aggrieved person may have under the *Copyright Act.*"

Rules applicable

Broadcasting offences

Evidence of prior proceedings

Jurisdiction of Federal Court

Limitation period

Copyright Act

R.S., c. R-2

c. 35 (1st Supp.), s. 2

Tolls subject to approval

Exception

### Railway Act

**83.** Subsection 320(2) of the *Railway Act* is repealed and the following substituted therefor:

(2) Notwithstanding anything in any other Act but subject to subsection (2.1), all telegraph and telephone tolls to be charged by a company are subject to the approval of the Commission and may be revised by the Commission from time to time.

(2.1) Subsection (2) does not apply in respect of tolls to be charged to subscribers

pour un acte d'assassinat ou une autre forme de violence, ne l'ayant pas posé à un but lucratif.

(2) Le plafond des dommages-intérêts accordés, au terme d'un tel recours, à l'encontre d'une personne physique n'ayant pas contrevenu au paragraphe 11.1(3) et n'ayant pas posé les actes en cause dans un but lucratif est de mille dollars; les frais des parties sont laissés à la discrétion du tribunal.

Règles applicables

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Preuve de procédures antérieures

Cour fédérale

Cour fédérale

Prescription

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date de l'infraction en cause.

(6) Le présent article ne porte pas atteinte aux droits ou aux recours prévus par la *Loi sur le droit d'auteur.*"

Loi sur le droit d'auteur

**83.** Le paragraphe 320(2) de la *Loi sur les chemins de fer* est abrogé et remplacé par ce qui suit :

S.R., ch. R-2

«(2) Nonobstant les dispositions de toute autre loi mais sous réserve du paragraphe (2.1), toutes les taxes de télégraphe et de téléphone que peut exiger une compagnie sont subordonnées à l'accord de la Commission, qui peut les réviser à sa discréion.

Approbation des taxes

(2.1) Le paragraphe (2) ne s'applique pas aux taxes que peut exiger de ses abon-

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Exception