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'Little Guy' Win Claimed In Record Copyright Litigation

An Alberta company litigating the largest copyright dispute in the country is citing a win for “the little guy” in Court of Queen’s Bench. [Geophysical Service Incorporated](#) won dismissal of a claim that it put up thousands of dollars as a condition of proceeding with a copyright case against [Corridor Resources Inc.](#), a Halifax-based oil and gas company.

“This is the thin edge of the wedge,” said Geophysical’s attorney, Timothy Platnich of [Caron & Partners LLP](#) of Calgary; “We’re here because this defendant together with others are hoping to establish a precedent that can be used against GSI in multiple other actions.”

Geophysical has some 30 copyright claims in Canadian courts, including 25 in Alberta, alleging oil and gas companies obtained its seismic data without licensing fees via government boards and agencies. Damages sought in lawsuits to date total more than \$190 million. “At the core, this is a breach of license case,” Platnich told Court, according to transcripts.

Geophysical claims to have the largest data collection of its kind in Canada, including underwater maps that were deposited as a condition of licensing with public boards, and then allegedly distributed to competitors in breach of copyright. Respondents include the National Energy Board; federal petroleum boards in Nova Scotia and Newfoundland & Labrador; Crown-owned Nalcor Energy Inc. of St. John's; ExxonMobile Canada Ltd.; Imperial Oil; Plains Midstream Canada ULC; and others. All defendants have denied the allegations.

Paul Einarsson, chief operating officer of GSI, said to date fifteen defendants like Corridor Resources Inc. filed so-called "security for costs" claims, suggesting the company is unable to meet costs if it loses at Court, and must post pre-payments to proceed with the lawsuits.

"It stops all the lawsuits in their tracks," Einarsson said. "I think that's their intent. I've got one claim for costs at \$250,000; most are in the \$100,000 range. We're talking cumulatively somewhere near \$1 million and \$2 million."

Corridor Inc. asked that Einarsson's firm post \$31,000 in security with Court of Queen's Bench. "This certainly looks like a case of a plaintiff with a lot to lose, and it wants to gamble and collect if it wins, but is poised to walk away if it doesn't," a Corridor attorney said at hearings. Court dismissed the request noting Geophysical was profitable, had assets, and had never failed to pay its bills.

"It's very difficult in Canada to protect your interests especially when you are against very powerful parties like oil companies and the government," Einarsson said. "It's not a good place to be a little guy."

Geophysical earlier won a citation from the Office of the Information Commissioner that federal officials improperly concealed documents dealing with alleged copyright violations involving the company's property. The Department of Natural Resources censored the documents after Einarsson filed a 2010 *Access To Information* request seeking details on what it did with GSI surveys.

"They all want to deny me my day in court," Einarsson said in an interview. "It's the big guys trying to crush the little guy."

By Tom Korski 🇩🇪 🇨🇦