

eBOOKS CANADIAN PRICE FIXING CLASS ACTION

To all persons who purchased eBooks in Canada from April 1, 2010 to March 10, 2017

Notice of Approval of Settlement and Distribution of Settlement Benefits

www.eBooksCanadianSettlement.ca

This notice informs you of the approval of a settlement concerning the prices of eBooks, and outlines who is eligible to receive compensation (and what those persons need to do, if anything).

THE LAWSUITS

Class action lawsuits were commenced in Ontario, British Columbia and Quebec (“Actions”) against Apple Inc. and Apple Canada Inc. (“Apple”) and various publishers of eBooks (the “Publishers”) alleging they conspired to fix, maintain, increase or control the price of eBooks sold by them in Canada, and that, as a result, the price of eBooks sold in Canada **from April 1, 2010 to March 10, 2017** was artificially high. The defendants denied the allegations, and none of the claims were proven in Court.

THE APPROVED SETTLEMENTS and the DISTRIBUTION PROTOCOL

A CDN \$12 million settlement was reached with Apple (the “Apple Settlement”) for the benefit of persons who purchased eBooks in Canada **from April 1, 2010 to March 10, 2017** (the “Settlement Class Members”). The Apple Settlement was approved by the Ontario Superior Court of Justice on March 7, 2023, and by the Superior Court of Quebec on June 19, 2023, and can be viewed in full at www.eBooksCanadianSettlement.ca. An earlier CDN \$3.175 million settlement with the Publishers was previously approved by the Courts.

In order to determine who should receive a portion of the Distribution Proceeds, the Courts have also approved a Distribution Protocol and appointed a Claims Administrator (Epiq Class Action Services Canada, Inc.). A full copy of the Distribution Protocol can be viewed at www.eBooksCanadianSettlement.ca. After payment of Court-approved legal fees and administration expenses are deducted from the combined settlement funds, there will be approximately CDN \$10 million for distribution to Settlement Class Members (the “Distribution Proceeds”) in accordance with the Distribution Protocol.

WHAT HAPPENS NEXT?

The Claims Administrator will determine who should receive any portion of the Distribution Proceeds. As set out below, in some cases this determination will occur automatically based on purchase data made available by some cooperating retailers. In other instances, Settlement Class Members will need to submit a claim **no later than August 29, 2024**.

WILL EVERYONE RECEIVE MONEY?

The Distribution Proceeds will be distributed to Settlement Class Members who purchased Eligible eBooks as described below. Not all Settlement Class Members will be entitled to receive any money. Entitlement to receive proceeds will differ, depending on how many Eligible eBooks were purchased, from whom, and whether the person maintained an active account with iTunes or Kobo. Where payments are to be issued by the Claims Administrator, there will be a minimum number of eBooks purchased to justify the administrative cost of making those payments.

- **Automatic Credit:** Settlement Class Members who purchased Eligible eBooks using an iTunes Account or a Kobo Account that remains active and in use recently (i.e. used at some time within the year prior to when the data was reviewed) will **automatically receive a credit to their account based on the number of Eligible eBooks purchased, regardless of the number of Eligible eBooks purchased, and without the need to do anything**. The credit will be deposited to the iTunes Account or Kobo Account after the Claims Administrator has completed its review of all claims and calculated the compensation payable.
- **Automatic Transfer:** Settlement Class Members who purchased 12 or more Eligible eBooks using an iTunes or a Kobo Account that is inactive and/or not used recently (i.e. not used within the year prior to when the data was reviewed), but remains associated with a valid email address will **automatically receive compensation based on the number of eBooks purchased by way of electronic transfer, without the need to do anything**. The transfer will be sent to the email associated with the iTunes or Kobo Account after the Claims Administrator has completed its review of all claims and calculated the compensation payable.

- **Claims Process:** Settlement Class Members who purchased 12 or more Eligible eBooks using a Google, Amazon or Sony account, or whose iTunes or Kobo Account are not associated with a valid email address, will be required to submit a claim for compensation in the claims process. Settlement Class Members whose claims are approved by the Claims Administrator will **receive compensation based on the number of Eligible eBooks purchased approved by the Claims Administrator by cheque** to the address provided in the claims process.

WHAT ARE “ELIGIBLE eBooks”?

Eligible eBooks are eBooks published or distributed by Hachette, Harper Collins, Macmillan, Penguin and Simon & Schuster **between April 1, 2010 and March 10, 2017**, except that eBooks published or distributed by Penguin Random House Canada Limited after December 31, 2014 are not included.

DO I NEED TO DO ANYTHING?

If you received an email accompanying this notice, please review it carefully. The email will indicate whether you are eligible for an Automatic Credit or an Automatic Transfer based on the records that have been provided to assist with the settlement implementation process. If the email says you are eligible for either of those methods of distribution, you do not need to do anything else other than to monitor your iTunes Account or Kobo Account (in the case of Automatic Credit) or await the email transfer and then accept payment within 30 days of receiving it (in the case of the Automatic Transfer).

If you saw this notice through the media campaign and did not receive the notice by email, you are NOT eligible for Automatic Credit or Automatic Transfer, and you will need to submit a claim electronically when the claims process opens on **May 31, 2024**. This will require that you provide some information about the Eligible eBooks you purchased. For more information on how to submit a claim or to submit your claim, please go to **www.eBooksCanadianSettlement.ca**. Claims need to be submitted **no later than August 29, 2024**, in order to be considered for payment.

WHEN WILL CREDITS OR PAYMENTS BE ISSUED?

Credits and payments will be issued after the claims process ends and individual entitlements are calculated by the Claims Administrator, which is estimated to be after November 2024. For more updates regarding timing of payments please visit **www.eBooksCanadianSettlement.ca**.

DO I NEED TO PAY ANYTHING?

You do not need to pay anything to receive your credit or compensation.

WHERE DO I GET MORE INFORMATION?

For more information about the Apple Settlement, the Distribution Protocol and the claims process or to submit a claim if you are required to do so, please visit **www.eBooksCanadianSettlement.ca** or contact the Claims Administrator toll-free at 1-833-398-1863 between 9 am and 5 pm Eastern Time, except on holidays.

WHO ARE THE CLASS LAWYERS?

The lawyers for the class are:

- For British Columbia residents: Charlotte K.B. Harman of Branch MacMaster LLP care of charman@branmac.com.
- For Quebec residents: Normand Painchaud of Sylvestre Painchaud SENCRL care of n.painchaud@spavocats.ca.
- For all others: Heather Rumble Peterson of Strosberg Sasso Sutts LLP care of ebooks@strosbergco.com or Andrew Morganti, Berger Montague (Canada) PC, amorganti@bergermontague.ca.

This Notice is a summary. Please see the Apple Settlement, the Approval Orders and the Distribution Protocol at www.eBooksCanadianSettlement.ca for complete details.