

Definition of Producer for Purposes of Producer Obligation and Reporting

For the purposes of determining which person shall be designated as a producer for a particular category of packaging and printed paper, the following provisions shall apply, in the order in which they are set out.

If two or more persons are designated as a producer pursuant to the following, then the earlier provision shall prevail:

(1) A Brand Owner¹⁾ is designated as a producer with respect to all packaging and printed paper, for which it is the Brand²⁾ Owner.

(2) A Franchisor is designated as a producer with respect to all packaging and printed paper, which are Supplied within the relevant Franchise System.

(3) A First Importer is designated as a producer with respect to all packaging and printed paper, for which it is the First Importer.

(4) Any person who is Resident in British Columbia, who Supplies Service Packaging shall be the steward for such Service Packaging.

(5) Any person who elects to become a steward respecting packaging and printed paper that would otherwise be the responsibility of another producer, shall be designated as a producer upon execution of a contract with MMBC, and the producer otherwise responsible is exempt from the requirement to pay fees respecting such packaging and printed paper and from Filing an Annual Steward's Report during the currency of the contract. MMBC shall not be required to execute a contract contemplated herein.

¹⁾ In the event there is more than one Brand Owner for the same packaging and printed paper, the Brand Owner more directly connected to the production of the packaging and printed paper shall be designated as the producer, but where the Brand Owner is a Franchisor who is Resident in British Columbia, the Franchisor shall be designated as the steward.

²⁾ In the event that products containing two or more independent Brands are packaged to be Supplied together, then the Brand Owner more directly connected to the joint packaging shall be designated as the steward for such joint packaging.

Definition of Producer for Purposes of Producer Obligation and Reporting

Glossary of Key Terms

Brand means a trademark.

Brand Owner with respect to a specific trademarked packaging or printed paper, where either bears a trademark means during any time;

- (a) a person Resident in British Columbia who is the holder of the registered trademark, or
- (b) a person Resident in British Columbia who is the licensee, in respect of the registered trademark, or
- (c) a person Resident in British Columbia, who owns the intellectual property rights to the unregistered trademark, or
- (d) a person Resident in British Columbia, who is the licensee, in respect of the intellectual property rights of the unregistered trademark.

Where “licensee” includes a person who packages goods, the packaging or printed paper of which is obligated and bears a trademark, other than a packer or filler of Private Label Goods, and includes any person whose corporate name or business name registration contains the trademark.

First Importer means a person Resident in British Columbia, who imports into British Columbia:

- (a) a specific printed paper which is obligated, for which a Brand Owner does not exist, or
- (b) a specific good, the packaging of which is obligated, for which a Brand Owner does not exist;
- (c) and includes a person Resident in British Columbia who is the first to take title to, or possession, or control of such material or good, upon or after arrival in British Columbia from elsewhere.

Generator means the person within the residential sector to which packaging and printed paper was Supplied that makes the obligated material available for collection.

Service Packaging means packaging which may or may not bear a Brand that is Supplied at the point of sale by the retail, food service or other service providers to enable or facilitate the delivery of goods.

Supplied means sold, leased, donated, disposed of, used, transferred the possession or title of, or otherwise made available or distributed for use in the Province of British Columbia to a Generator. Supply and Supplies have similar meanings.