

March 18, 2015

Gilles McDougall
Secretary General
Copyright Board of Canada
56 Sparks, Suite 800
Ottawa ON K1A 0C9

via email: maryse.choquette@cb-cda.gc.ca

Dear Mr. McDougall:

Re: Consultation on the Board's Interpretation Policy for Regulations

This submission is filed on behalf of the Canadian Association of Broadcasters (CAB) in response to the March 6, 2015 Copyright Board Consultation on the Board's *Interpretation Policy for Regulations*.

The CAB agrees that the Board's *Interpretation Policy for Regulations* appears to comply with the *Government Guide for Developing and Implementing Interpretation Policies* (<http://www.tbs-sct.gc.ca/rtrap-parfa/diip-emp-eng.asp#AppC>) and notes that it focuses only on regulations. The *Government Guide for Developing and Implementing Interpretation Policies* contemplates that the Interpretation Policy can also apply to policies in general (see section 7: "Although regulation is the main focus of the policy, departments may include information and guidance related to policies, Acts of Parliament, etc."). Given the Board's primary role as administrator of the collective copyright licensing regime, the CAB proposes that the Board's *Interpretation Policy for Regulations* could also address other issues that may constitute the "red tape" that often leads to business uncertainty, encountered by stakeholders that engage with the Board.

For example, the CAB suggests that the upcoming provisions of this *Interpretation Policy for Regulations* relating to "improvement priorities and metrics" should incorporate a mechanism to generate metrics relating to the Copyright Board rate-setting process. The CAB made some proposals that could enhance efficiency in the Copyright Board rate setting process in its recently filed comments on the Copyright Board's *Discussion Paper on Procedural Issues*, including, for example, the requirement that collectives file more detail and economic justification with their tariff proposals, as well as initiatives that could enhance efficiency in the interrogatory process. Quantitative measures could be applied to evaluate the success of such initiatives in lessening the burden on impacted parties. This would provide the Board with data that would better position it to ensure predictability in its stakeholder engagement and also yield improvements to the Board process that benefit stakeholders, consistent with the objectives of the *Government Guide for Developing and Implementing Interpretation Policies*.

The CAB thanks the Board for providing the opportunity to comment on its *Interpretation Policy for Regulations*.

Sincerely,



Gabriel van Loon
Counsel for the Canadian Association of Broadcasters