



April 27, 2017

[*CB-CDA 2017-033*]

File: SODRAC v. CBC Licences [Redetermination (2008-2012); Determination (2012-2018); Interactive kiosks (2011)]

RULING OF THE BOARD

On March 31, 2017, SODRAC requested the Board to establish the terms of a licence, which would allow CBC to reproduce works from SODRAC's repertoire in the course of its activities, for the period of April 1, 2017 to March 31, 2018. SODRAC also requested that the determination of this licence be merged with the 2012-2017 determination.

In its Notice 2017-018, the Board expressed its preliminary view that the examination of the 2012-2017 licence should be merged with that of the 2017-2018 licence.

In its April 11, 2017, letter to the Board, CBC agreed with the Board with the caveat that a longer consolidated hearing should occur in the fall so as to allow SODRAC to complete its repertoire analysis and communicate it to CBC with sufficient time for CBC and its experts to respond according to a mutually-acceptable schedule. Moreover, CBC was of the view that a three-week hearing continues to be necessary.

In its April 13, 2017, reply, SODRAC indicated that it could not establish at this moment the exact time it needed in the course of the hearing. Furthermore, SODRAC indicated that past repertoire-use analysis data is routinely relied upon by the Board to assess future use and such could also be the case here. In any event, the 2015 information for conventional radio would not be available until mid-May 2017. Data for television would be available mid-December 2017.

After having considered the parties' submissions, the Board rules as follows:

[1] The determinations of the 2017-2018 licence and the 2012-2017 licence will be merged, and become the determination of the 2012-2018 licence. Since both determinations raise similar issues and share large amounts of evidence, this will result in a more efficient proceeding.

[2] The merged proceeding will be heard by the panel already seized of the matters, namely the Honourable Robert A. Blair, Mr. Claude Majeau, and Mr. J. Nelson Landry.

[3] In light of the above and given the panel members' availabilities, the hearing that was scheduled to start on June 20, 2017 is postponed, and will now take place over a three-week period from September 6 to 27, 2017.

[4] Any issue regarding repertoire-use analysis will be dealt with in due course.

A handwritten signature in black ink, appearing to read 'Gilles McDougall', written in a cursive style.

Gilles McDougall
Secretary General