

Copyright Board  
Canada



Commission du droit d'auteur  
Canada

March 6, 2015

**[CB-CDA 2015-009]**

**File: Multi-Channel Subscription Satellite Radio Services  
SOCAN Tariff 25 (2010-2018) and Re:Sound Tariff 4 (2011-2018)**

**NOTICE OF THE BOARD**  
(Public Version)

*Please note that the attachments to the Notice of the Board sent to the parties are omitted as they are confidential.*

On July 23, 2014, Re:Sound, SOCAN and SiriusXM Canada jointly requested that the Board certify the Satellite Radio Services Tariff of Re:Sound for the years 2011-2018 and of SOCAN for the years 2010-2018 in accordance with an agreement reached by the above-mentioned parties (the "Settlement Tariff") attached to this Notice. The July 23, 2014 letter is also attached.

On September 15, 2014, Re:Sound and SiriusXM Canada further requested that the rates in the Settlement Tariff be increased effective [REDACTED] as a result of the coming into force of section 19(1.2) of the *Copyright Act* (the "Act") in respect of the eligibility for equitable remuneration to sound recordings from member countries of the *WIPO Performances and Phonograms Treaty* (WPPT). The request as well as the revised Settlement Tariff are attached.

Before the Board addresses questions to the parties, the following may be useful.

The Board last certified SOCAN and Re:Sound Tariffs in respect of Satellite Radio Services on April 11, 2009 for the years 2005-2009 and 2007-2010, respectively.

For the years 2010 to 2014, SOCAN proposed an increase in the rates as shown in the following table, while for 2015, it proposed the same rate as earlier certified. [REDACTED]

Parties should note that SOCAN did not yet propose its Tariff 25 for the years 2016 to 2018. Hence, the Board has no jurisdiction to certify a SOCAN tariff for those years.

For the years 2011 to 2018, Re:Sound proposed important increases in its rates, as shown in the table. [REDACTED]

**SOCAN TARIFF RATES**

	<b>Years</b>	<b>Rates</b>
<b>Last Certified Full Rate</b>	2009	4.26% of Service revenue Minimum of 43¢ per subscriber
<b>Proposed</b>	2010-2014	10% of Service revenue Minimum of \$1 per subscriber
<b>Proposed</b>	2015	4.26% of Service revenue Minimum of 43¢ per subscriber
[REDACTED]	[REDACTED]	[REDACTED]

**RE:SOUND TARIFF RATES**

	<b>Years</b>	<b>Rates</b>
<b>Last Certified Full Rate</b>	2010	1.18% of Service revenue Minimum of 12¢ per subscriber
<b>Proposed</b>	2011-2018	17% of Service revenue Minimum of \$1.50 per subscriber
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]


Questions to the Hotel Association of Canada:

1. On August 2, 2012, the Hotel Association of Canada (HAC) filed an objection to Re:Sound's proposed Tariff 4 (Satellite Radio Services) for the period of 2013-2014. While Re:Sound, SOCAN and SiriusXM Canada's letter of July 23, 2014 mentions that SiriusXM Canada is the sole objector to the proposed tariffs, the Board's record shows that HAC is also an objector to Re:Sound's proposed Tariff 4 for the period of 2013-2014. HAC shall confirm if it maintains or withdraws its objection to Re:Sound's proposed tariff 4 (Satellite Radio Services) for the period of 2013-2014.
2. In the event it maintains its objections, HAC is requested to provide in writing its detailed reasons to object to the settlement tariff.

Questions to Re:Sound and SiriusXM Canada:

3. Please indicate how the adjustment increase to Re:Sound's repertoire was calculated. In particular, please provide any study or repertoire analysis demonstrating how the music used by Satellite Radio Services consists, as of [REDACTED], of about [REDACTED] of Re:Sound's repertoire, compared to 27% in 2009, taking into account the coming into force of section 19(1.2) of the *Act* and the limitation on the term of rights for U.S. recordings under the Statement limiting the Right to Equitable Remuneration of Certain Rome Convention or WPPT Countries.<sup>2</sup>

Parties may submit their responses no later than **Friday, March 27, 2015** and their replies no later than **Friday, April 17, 2015**.



Gilles McDougall  
Secretary General

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<sup>1</sup> *Satellite Radio Services Tariff for the Years 2005 to 2009 (SOCAN), 2007 to 2010 (NRCC) and 2006 to 2009 (CSI Inc.)*, Copyright Board decision of May 6, 2009 at para. 199.

<sup>2</sup> [SOR/2014-181](#), July 14, 2014.