

**[CB-CDA 2015-083]**

**NOTICE OF THE BOARD**

The decision of the Supreme Court of Canada in *Canadian Broadcasting Corporation v. SODRAC 2003 Inc.*, 2015 SCC 57 issued on November 26, 2015, enunciated that the following principles needed to be taken into account by the Board when fixing licence fees:

1. Technological neutrality; and,
2. Balance between user and right-holder rights, with relevant factors to include the risks taken by the user, the extent of the investment made by the user in the new technology, and the nature of the copyright protected work's use in the new technology.

The Board is of the preliminary opinion that these principles set by the SCC do not impact on the above-noted matter, and do not justify additional submissions by the parties on this issue.

Parties are asked to provide comments on the Board's preliminary opinion no later than **Friday, January 8, 2016**. Parties will be allowed to reply to each other no later than **Friday, January 15, 2016**.