

July 21, 2016

[CB-CDA 2016-073]

NOTICE OF THE BOARD

On December 17, 2015, the Federal Court of Appeal, in *Netflix Inc. v. SOCAN et al.* (2015 FCA 289), allowed Netflix's application for judicial review. In doing so, the Court set aside the Board's decision insofar as it pertains to royalties for free trials and returned the matter to the Board for redetermination by "a differently constituted panel."

As a result, the Board must put in place a process in order to re-determine the royalties for free trials in accordance with the Court's decision.

Parties are asked to provide submissions on the following:

1. The nature of the redetermination process;
2. The composition of the panel;
3. The nature of the evidence that will be needed to re-determine the issue;
4. The schedule of the proceedings; and,
5. Any other issue perceived as relevant to the file.

In respect of the second issue, the composition of the panel, the Board is of the preliminary view that a panel constituted of the currently appointed members would be appropriate in this matter.

Parties are encouraged to engage in discussions with each other with a view to file common and agreed upon submissions no later than **Friday, August 19, 2016**. If the parties file separate submissions, they shall reply to each other's submissions no later than **Friday, September 2, 2016**.