



January 19, 2017

[*CB-CDA 2017-005*]

File: SOCAN-Re:Sound – Pay Audio Services Tariffs, 2007-2016

NOTICE OF THE BOARD

On January 11, 2017, Mr. Cotter filed, with the consent of all Parties, an agreement on the parameters of a repertoire study (“Proposed Methodology”). The Parties propose to the Board that the Proposed Methodology be used in this matter.

The Board has reviewed the Proposed Methodology and seeks additional information from the Parties.

1. Sample Size

In the letter accompanying the proposed parameters for the study (the “Letter”), Mr. Cotter states that “[w]ith the advice of those experts, the parties have agreed on the appropriate sample size of 4200 unique sound recording to be randomly selected from data obtained from the play logs produced by Stingray.”

- a) Is the Board correct in its understanding that the exact number of times these 4,200 randomly-drawn unique sound recordings have been played cannot be known before they are drawn?
- b) Do the parties have an estimate of total number of times the 4,200 sound recordings in the randomly-drawn set were played during the study period?
- c) What is the total number of unique sound recordings played during the study period, and what is the total number of plays of all sound recordings during this period?
- d) What is the confidence interval for the repertoire-adjustment figures (as described in paragraphs 10 and 15 of the Letter) that the sample size of 4,200 unique sound recordings is expected to induce?

2. Term of Protection of Musical Works

The Board is of the view that information on the public-domain status of works is an important aspect of the repertoire study.

a) Is the Board correct in its understanding that the information collected using the Proposed Methodology would not permit the determination of whether the term of protection of a musical work has elapsed or not?

b) Please comment on the Board's proposed addition to Paragraph 12 of the Proposed Methodology:

(f) if all authors of the musical work are deceased, the last year in which an author of the work has died.

c) Is there a method other than that proposed in paragraph b), above, by which it would be appropriate, for the purposes of the study, to estimate the expiry of the term of protection, either for a musical work captured in the sample, or at an aggregate level?

3. Eligibility of Sound Recordings


The Board is of the view that information on the publication-status of sound recordings is an important aspect of the repertoire study.

a) Please comment on the Board's proposed addition to Paragraph 7 of the Proposed Methodology:

(e) whether the sound recording has been published and, if so, the year of publication.

b) Is there a method other than that proposed in paragraph a), above, by which it would be appropriate, for the purposes of the study, to estimate the publication status of a sound recording, either for a sound recording captured in the sample, or at an aggregate level?

The parties shall, either jointly or individually, answer the questions above, no later than **Wednesday, January 25, 2017**.


Gilles McDougall
Secretary General