



File / Dossier : SODRAC v. CBC Licences [Redetermination (2008-2012)] and Licence [Determination (2012-2017)]; 70.2-2011-03 SODRAC v. CBC : Interactive Kiosks / Licences SODRAC c. SRC [Réexamen (2008-2012)] et [Examen (2012-2017)]; 70.2-2011-03 SODRAC c. SRC : Bornes interactives

April 21, 2017

**[CB-CDA 2017-030]**

### **NOTICE OF THE BOARD**

Parties shall **immediately** file with the Board, their responses regarding the urgent request received from the CAB (see below).

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Les parties doivent **immédiatement** déposer à la Commission, leurs réponses à la requête urgente de l'ACR (voir ci-dessous).

**From:** Gabriel Van Loon  
**Sent:** April-21-17 3:10 PM  
**Subject:** Breach of Confidentiality Order

Mr. McDougall -

It has just come to our attention that evidence originally filed in a past Copyright Board proceeding under the protection of a Copyright Board confidentiality order relating to our client, the Canadian Association of Broadcasters (CAB), has been tabled in another proceeding.

We understand that a number of expert reports containing confidential information relating to the CAB have been filed by SODRAC in SODRAC v CBC [Arbitration File Nos. 70.2-2008-01, 70.2-2011-03, 70.2-2012 01, 70.2-2016-01]. At this time, we request that the Board:

- immediately strike all reports containing information deemed confidential pursuant to a prior Copyright Board of Canada confidentiality order;
- compel all parties in the current proceeding to provide the Board with any details relating to the dissemination of such information; i.e. who has had access to the information in question; and

- provide CAB counsel with such details so that the CAB can determine whether any material breach has occurred, advise impacted parties, and determine an appropriate course of action.

Aside from the immediate need to curtail access to this improper disclosure of confidential information and clarify the scope of the disclosure to date, the CAB will request that the Board address other issues arising from this improper disclosure in due course, including but not limited to:

- determining why SODRAC has access to information from a proceeding to which it was not a direct party;
- determining why SODRAC counsel and others appear to have access to this information; and
- considering appropriate recourse, if required, as a result of this breach.

We would appreciate if the Board could update us at its earliest convenience in respect of this urgent request.

Thank you, Gabriel