



December 8, 2017

[*CB-CDA 2017-153*]

NOTICE OF THE BOARD

**Files: Online Music Services / Services de musique en ligne
[SOCAN: 2007-2018; Re:Sound: 2013-2018; CSI: 2014-2018; CMRRA: 2014-2018;
SODRAC: 2014-2018; Artisti: 2016-2018]**

**Online Audiovisual Services – Music / Services audiovisuels en ligne – Musique
[SOCAN: 2007-2018; CMRRA: 2016-2018; SODRAC: 2015-2018]**

Status of Parties

In their responses to Order 2017-126, SODRAC, CSI, and CMRRA raised the issue that not all parties that are Objectors in these proceedings objected to their respective proposed tariffs.

In Notice 2017-134, the Board asked that each of the above collectives identify the parties that have not objected to their respective tariffs.

On November 3, 2017, SODRAC, CSI, and CMRRA identified the parties that have not objected in relation to each of their proposed tariffs. On November 24, 2017, SOCAN also provided the Board with a list of parties that have not objected to its proposed tariffs. These lists (to which we have added some notes) are attached for convenience.

In line with Order 2017-126, any party in these proceedings that did not formally object to a particular proposed tariff – or for which it did not get intervenor status with full participatory rights and obligations – will not be able to act solely in relation to that proposed tariff. The Board will rely on counsel to raise objections as necessary. However, a party that did not object to a proposed tariff may still file comments in respect of a tariff to which it did not object at any point before the close of proceedings. In addition, any party may file a request to be granted intervenor status with full participatory rights and obligations in relation to any of the proposed tariffs under consideration.

Furthermore, no objector is restricted with respect to the acts that it may take in relation to the proposed tariffs to which they have objected. Lastly, any party that has objected to a proposed tariff for one or more years will be able to act as if it had objected to all years for which that proposed tariff is under consideration.

Interrogatories

Given the numerous parties involved in each of these proceedings and the number of proposed tariffs under consideration, the Board, to improve efficiency of the process, orders as follows:

- The Collectives shall produce a single set of interrogatories that will be put to all parties. Where a Collective wishes to put a limited number of questions to only a particular objector, or a particular group of objectors, it may do so by including them in the single set of interrogatories.
- The objectors and fully-participating intervenors shall endeavour to produce a single set of interrogatories, either for each collective, or for all collectives.
- Any party that receives interrogatories is expected to answer all questions therein unless a particular interrogatory is clearly not related to any of the proposed tariffs for which that party is a proposing collective, an objector, or a fully-participating intervenor.

Neither the Board nor the parties are in a position to anticipate all potential procedural issues that may arise in proceedings as complex as these ones. As such, the Board remains available to address any such issue raised by parties. The Board will strive to render any ruling expeditiously so as to not affect the schedule of proceeding agreed upon by the parties.



Secretary General
Gilles McDougall

ANNEX

SODRAC Tariff 6 – Online Music Services, Music Videos (2014)

- *Alliance des radios communautaires (ARC), Association des radiodiffuseurs communautaires du Québec (ARCQ) and the National Campus and Community Radio Association (NCRA)*
- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ)*
- Canadian Broadcasting Corporation (CBC)
- Cineplex Entertainment LP (Cineplex)
- Federation of Calgary Communities (FCC)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
[Note: MPA-Canada has been granted intervenor status with limited participation for this tariff pursuant to Notices 2017-118 and 2017-134]
- Music Canada
- Netflix Inc. (Netflix)
- Pandora Media Inc. (Pandora)
- *Quebecor Media Inc. (Quebecor)*
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Retail Council of Canada (RCC)
- Shaw Communications Inc. (Shaw)
- Sirius XM Canada Inc. (Sirius)
- Spotify AB (Spotify)
- Stingray Digital Group Inc. (Stingray)
- Yahoo! Canada Co. (Yahoo)
- Facebook Inc. (Facebook)

SODRAC Tariff 6 – Reproduction of Musical Works Embedded in Musical Audiovisual Works for Transmission by a Service (2015, 2016, 2017, 2018)

- *Alliance des radios communautaires (ARC), Association des radiodiffuseurs communautaires du Québec (ARCQ) and the National Campus and Community Radio Association (NCRA)*
- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ)*
- Canadian Broadcasting Corporation (CBC)
- Cineplex Entertainment LP (Cineplex)
- Federation of Calgary Communities (FCC)
- Music Canada
- Pandora Media Inc. (Pandora)
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Retail Council of Canada (RCC)
- Sirius XM Canada Inc. (Sirius)
- Spotify AB (Spotify)

- Facebook Inc. (Facebook)

SODRAC Tariff 7 – Reproduction of Musical Works Embedded in Audiovisual Works for Transmission by a Service (2015, 2016, 2017, 2018)

- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Cable Systems Alliance (CCSA)
- Cineplex Entertainment LP (Cineplex)
- Entertainment Software Association / Entertainment Software Association of Canada (ESA)
- MTS Inc. (MTS)
- Retail Council of Canada (RCC)
- Yahoo! Canada Co. (Yahoo)
- YouTube LLC (YouTube)

CSI Online Music Services (2014, 2015, 2016, 2017)

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
- Cineplex Entertainment LP (Cineplex)
- Federation of Calgary Communities (FCC)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Music Canada
- Motion Picture Association – Canada (MPA-Canada)
- Netflix Inc. (Netflix)
- Rdio Inc. (Rdio)
- Restaurants Canada
- Retail Council of Canada (RCC)
- Sirius XM Canada Inc. (Sirius)
- Spotify AB (Spotify)
- *Vidéotron* GP (Videotron)
- Canadian Broadcasting Corporation (CBC) (for 2014)
- Google Inc. (Google) (for 2014)
- Pandora Media Inc. (Pandora) (for 2015 and 2017)
- Shaw Communications Inc. (Shaw) (for 2014)
- Stingray Digital Group Inc. (Stingray) (for 2014 and 2015)

CMRRA Tariff 4 – Online Music Services – Music Videos (2014, 2015, 2016, 2017)

- *Alliance des radios communautaires* (ARC), *Association des radiodiffuseurs communautaires du Québec* (ARCQ) and the National Campus and Community Radio Association (NCRA)
- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
- Bell Canada (Bell)
- Cineplex Entertainment LP (Cineplex)
- Federation of Calgary Communities (FCC)
- Fitness Industry Council of Canada (FIC)

- Music Canada
- Pandora Media Inc. (Pandora)
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Retail Council of Canada (RCC)
- Rogers Communications Inc. / Rogers Communications Partnership (Rogers)
- Sirius XM Canada Inc. (Sirius)
- Spotify AB (Spotify)
- *Vidéotron* GP (Videotron)
- Canadian Association of Broadcasters (CAB) (for 2015)
- Canadian Broadcasting Corporation (CBC) (for 2015, 2016 and 2017)
- Goodlife Fitness Inc. (GoodLife) (for 2014, 2015 and 2016)
- Google Inc. (Google) (for 2014)
- Motion Picture Association – Canada (MPA-Canada) (for 2014 and 2015)
[Note: MPA-Canada has sought leave to intervene for 2014 and 2015]
- Netflix Inc. (Netflix) (for 2014, 2015 and 2017)
[Note: Netflix has been granted intervenor status with respect of those years pursuant to Notice 2017-118]
- Shaw Communications Inc. (Shaw) (for 2014)
- Stingray Digital Group Inc. (Stingray) (for 2014 and 2015)

SOCAN Tariff 22.A – Online Music Services (2014, 2015, 2016, 2017, 2018) [excluding digital files of audio works]

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
- CKUA Radio Network (CKUA)
- Federation of Calgary Communities (FCC)
- Motion Picture Association – Canada (MPA-Canada)
- Music Canada
- Netflix Inc. (Netflix)
- Pelmorex
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Sasktel
[Note: Sasktel has confirmed that it will not be participating in the current proceedings]

SOCAN Tariff 22.D – Internet – Other Uses of Music – Audiovisual Content (2014, 2015)

- CKUA Radio Network (CKUA)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Motion Picture Association – Canada (MPA-Canada)
- Pelmorex
- *Quebecor Media Inc.* (Quebecor)
- Sasktel
[Note: Sasktel has confirmed that it will not be participating in the current proceedings]
- Stingray Digital Group Inc. (Stingray)

SOCAN Tariff 22.D – Internet – Other Uses of Music – Audiovisual Content (2009, 2010, 2011, 2012, 2013)

- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Cable System Alliance (CCSA)
- Cogeco Cable Inc. (Cogeco)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- MTS Inc. (MTS)
- Netflix Inc. (Netflix)
- Retail Council of Canada (RCC)
- Sasktel

[**Note:** Sasktel has confirmed that it will not be participating in the current proceedings]

SOCAN Tariff 22.D.1 – Internet – Other Uses of Music – Audiovisual Content (2016, 2017, 2018)

- Canadian Broadcasting Corporation (CBC)
 - CKUA Radio Network (CKUA)
 - Entertainment Software Association / Entertainment Software Association of Canada (ESA)
 - Motion Picture Association – Canada (MPA-Canada)
 - Pelmorex
 - Retail Council of Canada (RCC)
 - Sasktel
- [**Note:** Sasktel has confirmed that it will not be participating in the current proceedings]
- YouTube LLC (YouTube)

SOCAN Tariff 22.D.2 – Internet – Other Uses of Music – User-Generated Content (2016, 2017, 2018)

- Bell Canada (Bell)
- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Broadcasting Corporation (CBC)
- Canadian Cable System Alliance (CCSA)
- CKUA Radio Network (CKUA)
- Cogeco Cable Inc. (Cogeco)
- Motion Picture Association – Canada (MPA-Canada)
- MTS Inc. (MTS)
- Netflix Inc. (Netflix)
- Pelmorex
- *Quebecor Media Inc.* (Quebecor)
- Retail Council of Canada (RCC)
- Rogers Communications Inc. / Rogers Communications Partnership (Rogers)
- Sasktel

[**Note:** Sasktel has confirmed that it will not be participating in the current proceedings]

- Shaw Communications Inc. (Shaw)
- Telus Communications Company (Telus)
- *Vidéotron* GP (Videotron)
- Yahoo! Canada Co. (Yahoo)
- YouTube LLC (YouTube)

SOCAN Tariff 22.4 – Audiovisual Webcasts (2007, 2008)

- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Cable System Alliance (CCSA)
- Cineplex Entertainment LP (Cineplex)
- Cogeco Cable Inc. (Cogeco)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- MTS Inc. (MTS)
- Netflix Inc. (Netflix)
- Pelmorex
- *Quebecor Media Inc.* (Quebecor)
- Retail Council of Canada (RCC)
- Stingray Digital Group Inc. (Stingray)
- *Vidéotron* GP (Videotron)
- Yahoo! Canada Co. (Yahoo)
- YouTube LLC (YouTube)

SOCAN Tariff 22.5 – Webcasts of Television Station Signals (2007, 2008)

- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Cable System Alliance (CCSA)
- Cineplex Entertainment LP (Cineplex)
- Cogeco Cable Inc. (Cogeco)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- MTS Inc. (MTS)
- Netflix Inc. (Netflix)
- Pelmorex
- *Quebecor Media Inc.* (Quebecor)
- Retail Council of Canada (RCC)
- Stingray Digital Group Inc. (Stingray)
- *Vidéotron* GP (Videotron)
- Yahoo! Canada Co. (Yahoo)
- YouTube LLC (YouTube)

SOCAN Tariff 22.E – Webcasts of Television Station Signals (2009, 2010, 2011, 2012)

- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Cable System Alliance (CCSA)
- CKUA Radio Network (CKUA)
- Cogeco Cable Inc. (Cogeco)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- MTS Inc. (MTS)
- Netflix Inc. (Netflix)
- Pelmorex
- Retail Council of Canada (RCC)
- Sasktel
[Note: Sasktel has confirmed that it will not be participating in the current proceedings]
- Yahoo! Canada Co. (Yahoo)

SOCAN Tariff 22.F – Webcasts of Television Station Signals (2013)

- Apple Canada Inc. and Apple Inc. (Apple)
- Bragg Communications Inc. (c.o.b. as Eastlink) (Bragg)
- Canadian Broadcasting Corporation (CBC)
- Canadian Cable System Alliance (CCSA)
- Cineplex Entertainment LP (Cineplex)
- CKUA Radio Network (CKUA)
- Cogeco Cable Inc. (Cogeco)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- MTS Inc. (MTS)
- Netflix Inc. (Netflix)
- Retail Council of Canada (RCC)
- Sasktel
[Note: Sasktel has confirmed that it will not be participating in the current proceedings]
- Telus Communications Company (Telus)
- Vidéotron GP (Videotron)
- YouTube LLC (YouTube)

SOCAN Tariff 22.A – Online Music Services (2014, 2015, 2016, 2017, 2018) [excluding digital files of audiovisual works]

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ)*
- CKUA Radio Network (CKUA)
- Federation of Calgary Communities (FCC)
- Motion Picture Association – Canada (MPA-Canada)

- Music Canada
- Netflix Inc. (Netflix)
- Pelmorex
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Sasktel

[**Note:** Sasktel has confirmed that it will not be participating in the current proceedings]

SOCAN Tariff 22.2 – Audio Webcasts (2007, 2008)

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
- Cineplex Entertainment LP (Cineplex)
- Federation of Calgary Communities (FCC)
- Fitness Industry Council of Canada (FIC)
- GoodLife Fitness Centres Inc. (GoodLife)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- Netflix Inc. (Netflix)
- Pandora
- Pelmorex
- *Quebecor Media Inc.* (Quebecor)
- Retail Council of Canada (RCC)
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Spotify AB (Spotify)
- Stingray Digital Group Inc. (Stingray)
- *Vidéotron GP* (Videotron)
- Yahoo! Canada Co. (Yahoo)

[**Note:** Yahoo has confirmed that it will not be participating in the Online Music Services proceeding]

SOCAN Tariff 22.B – Audio Webcasts (2009, 2010, 2011, 2012, 2013)

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
 - Federation of Calgary Communities (FCC)
 - Fitness Industry Council of Canada (FIC)
 - GoodLife Fitness Centres Inc. (GoodLife)
 - Google Inc. (Google)
 - Motion Picture Association – Canada (MPA-Canada)
 - Netflix Inc. (Netflix)
 - Retail Council of Canada (RCC)
 - Rdio, Inc. (Rdio)
 - Restaurants Canada
 - Sasktel
- [**Note:** Sasktel has confirmed that it will not be participating in the current proceedings]
- Sirius XM Canada Inc. (Sirius)
 - Spotify AB (Spotify)

SOCAN Tariff 22.B – Commercial Radio, Satellite Radio and Pay Audio (2014, 2015, 2016, 2017, 2018)

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
- CKUA Radio Network (CKUA)
- Federation of Calgary Communities (FCC)
- Google Inc. (Google)
- Motion Picture Association – Canada (MPA-Canada)
- Music Canada
- Netflix Inc. (Netflix)
- Pandora
- Pelmorex
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Sasktel
[Note: Sasktel has confirmed that it will not be participating in the current proceedings]
- Spotify AB (Spotify)
- *Vidéotron* GP (Videotron)
- Yahoo! Canada Co. (Yahoo)
[Note: Yahoo has confirmed that it will not be participating in the Online Music Services proceeding]

SOCAN Tariff 22.C – Other Audio Websites (2014, 2015, 2016, 2017, 2018)

- *Association québécoise de l'industrie du disque, du spectacle et de la vidéo* (ADISQ)
- CKUA Radio Network (CKUA)
- Federation of Calgary Communities (FCC)
- Motion Picture Association – Canada (MPA-Canada)
- Music Canada
- Netflix Inc. (Netflix)
- Pandora
- Pelmorex
- Rdio, Inc. (Rdio)
- Restaurants Canada
- Sasktel
[Note: Sasktel has confirmed that it will not be participating in the current proceedings]
- Sirius XM Canada Inc. (Sirius)
- Spotify AB (Spotify)
- *Vidéotron* GP (Videotron)
- Yahoo! Canada Co. (Yahoo)
[Note: Yahoo has confirmed that it will not be participating in the Online Music Services proceeding]