



December 15, 2017

[*CB-CDA 2017-165*]

**File: Artisti – Phonograms (2016-2018)**

### **NOTICE OF THE BOARD**

On November 24, 2017, Artisti wrote to the Board to request that the Board commence a proceeding to consider its proposed tariff *ARTISTI's Fixation, Reproduction and Distribution of Performances in the Form of Phonograms Tariff (2016-2018)* (the "Proposed Tariff"). With its request, Artisti submitted a proposed schedule of proceedings. Artisti also submitted that it would be appropriate to hear proposed tariffs for future years in such a proceeding as well.

In Notice 2017-145, the Board permitted all objectors to the Proposed Tariff to comment on Artisti's request and proposed schedule.

On December 8, 2017, ADISQ and Music Canada jointly responded, submitting that the proposed schedule was not realistic, and submitted that any eventual schedule should provide for the conduct of a repertoire study—something Artisti's proposed schedule did not do. Moreover, they submitted that the Proposed Tariff should be heard with the *Online Music Services (2007-2018)* proceeding. They did not make submissions on the issue of hearing proposed tariffs for future years jointly with the Proposed Tariff, arguing that it would be premature to do so, given that these have not yet been filed.

The Board concludes that it is appropriate to consider the Proposed Tariff in a proceeding separate from the *Online Music Services* proceeding. The proposed tariffs under consideration in the latter proceeding involve different activities, different rights, and different objectors than those involved in the Proposed Tariff. Moreover, to the extent there may be a similar question with respect to Artisti's repertoire in the two proceedings, it is possible for the answer to be different in the two cases. We do agree with ADISQ and Music Canada, however, that it is premature to determine how proposed tariffs for future years will be considered.

As a preliminary matter, the Board must decide whether any schedule of proceedings will include a repertoire study, or not. As such, Parties may make submissions on the appropriateness of such a step by no later than **Friday, January 5, 2018**.

Parties may reply thereto by no later than **Friday, January 12, 2018**.

After providing directions with respect to any such study, the Board will ask the Parties to file a joint proposed schedule of proceedings, if possible. If there is no joint proposal, the Parties will be asked to file a proposed schedule, with a justification for the amount of time allocated to each step. The Board will then issue a schedule of proceedings based on the Parties' submissions.

A handwritten signature in black ink, appearing to read "Gilles McDougall". The signature is fluid and cursive, with a large initial "G" and a long, sweeping tail.

Gilles McDougall  
Secretary General