



February 27, 2018

[*CB-CDA 2018-027*]

NOTICE OF THE BOARD

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

Online Audiovisual Services – Music / Services audiovisuels en ligne – Musique
[SOCAN: 2007-2018; CMRRA: 2014-2018; SODRAC: 2014-2018]

In Notice 2017-157, the Board asked SOCAN and CBC (the “Parties”) to “identify any certified SOCAN tariffs that apply to activities covered by any of the Proposed Tariffs and identify the portions that must be excluded therefrom as a result.”

Their analysis, included with their response to the Notice for information purposes, identifies the following proposed tariffs as being “mostly covered” by either SOCAN *Tariff 22.E – Internet – Canadian Broadcasting Corporation* (2007-2013) or SOCAN *Tariff 1.C – Radio – Canadian Broadcasting Corporation* (2012-2014):

- SOCAN *Tariff 22.3 – Webcasts of Radio Station Signals* (2007-2008)
- SOCAN *Tariff 22.C – Webcasts of Radio Station Signals* (2009-2013)
- SOCAN *Tariff 22.C – Other Audio Websites* (2014-2018)
- SOCAN *Tariff 22.4 – Audiovisual Webcasts* (2007-2008)
- SOCAN *Tariff 22.D – Audiovisual Webcasts* (2009-2013)

The analysis also concludes that *Tariff 22.F – Webcasts of Television Station Signals* does not apply to CBC, as that use is covered in certified *Tariff 22.E* (2007-2013).

In the main portion of their response, the Parties identify the following uncertified proposed SOCAN tariffs that apply to CBC:

- Tariffs 22.3/22.C (2007-2013) in respect of non-simulcast online audio activities on cbc.music.ca/espace.mu
- Tariffs 22.4/22.D (2007-2013) in respect of online audiovisual activities on cbc.music.ca/espace.mu
- Tariffs 22.E (2014-2018) in respect of all online audio and online audiovisual uses by CBC

They explain that

since all CBC online activities from 2014-2018 are covered by proposed SOCAN Tariff 22.E (2014-2018) which is not one of the tariffs that the Board has identified for consideration at the upcoming OMS and OAV hearings, that only leaves non-simulcast online audio and audiovisual uses for 2012 and 2013 for the purposes of the current OMS and OAV hearings.

Further, the Parties “submit to the Board that it should exclude CBC online music services from the consolidated OMS and OAV hearings and the Parties undertake to negotiate a separate licence for those two past years.”

The Board generally agrees with the Parties, and advises the Parties of its intention that:

- The scope of the above identified SOCAN proposed tariffs currently under consideration in the current *Online Music Services* and *Online Audiovisual Services – Music* proceeding will exclude application to CBC;
- The Board will initiate a separate proceeding to consider all uncertified SOCAN proposed tariffs that apply to CBC online activities. Preliminarily, the Board intends to include the following:
 - Tariff 22.3 (2007-2008)
 - Tariff 22.C (2009-2013; 2014-2018)
 - Tariff 22.4 (2007-2008)
 - Tariff 22.D (2009-2013)
- The Board intends for this proceeding to have simplified procedures, and will consider the possibility of a paper-only hearing, if one is required.
- The Parties will submit a proposed Schedule of Proceedings, either jointly or separately, for which the Board encourages the Parties to include a 3-month negotiation period.
- If the Parties are unable to come to an agreement, the consideration of the proposed tariffs will follow the approved Schedule.

Any Party to the *Online Music Services* or *Online Audiovisual Services – Music* proceedings may comment on the Board’s intended steps by no later than **Monday, March 5, 2018**.



Gilles McDougall
Secretary General