

Copyright Board
Canada



Commission du droit d'auteur
Canada

File / Dossier : Background Music
[SOCAN: 2012-2018; Re:Sound: 2014-2018]

Musique de fond
[SOCAN : 2012-2018; Ré:Sonne : 2014-2018]

April 9, 2018

[CB-CDA 2018-069]

NOTICE OF THE BOARD

In Notice 2018-043, the Board wrote that it was ready to proceed with the consolidated examination of the following SOCAN tariffs and sought confirmation of participation from the Objectors as well as comments on the proposed consolidation from all parties:

- Tariff 15.A – Background Music (2012-2018);
- Tariff 15.B – Telephone Music on Hold (2012-2018); and
- Tariff 16 – Background Music Suppliers (2012-2018).

In Notice 2018-034, the Board wrote that it was ready to proceed with the examination of several Re:Sound tariffs including the following and asked Re:Sound to file a status report regarding these tariffs :

- Tariff 3.A – Background Music Suppliers (2014-2018); and
- Tariff 3.B – Background Music (2016-2018).

On March 16, 2018, in response to Notice 2018-043, counsel to the BDUs requested that the Board consolidate the proceeding to examine SOCAN Tariff 16 with that of Re:Sound Tariff 3.A.

On March 23, 2018, in response to Notice 2018-034, Re:Sound informed the Board that

[s]ome of the Objectors have proposed that settlement discussions be conducted jointly with Re:Sound and SOCAN with respect to Re:Sound Tariff 3.A and SOCAN Tariff 16. Re:Sound and SOCAN are currently conferring as to the feasibility of making a joint settlement proposal.

On April 6, 2018, in response to Notice 2018-043, counsel for Stingray informed the Board that

[it] reaffirms its interest in participating in discussions with both SOCAN and Re:Sound. If these discussions fail or are inconclusive, thus necessitating a full Board proceeding, Stingray requests

that for the sake of efficiency such proceeding consolidate all Proposed Tariffs relating to SOCAN as listed in CB-CDA 2018-043 as well as Re:Sound Tariffs 3.A and 3.B.

The Board agrees with the Parties' submissions above and is of the view that the following Re:Sound and SOCAN proposed tariffs should be consolidated into a single proceeding:

- Tariff 15.A – Background Music (2012-2018);
- Tariff 15.B – Telephone Music on Hold (2012-2018);
- Tariff 16 – Background Music Suppliers (2012-2018);
- Tariff 3.A – Background Music Suppliers (2014-2018); and
- Tariff 3.B – Background Music (2016-2018).

Parties are to provide comments, if any, on the proposed consolidation by no later than **Friday, April 20, 2018**. If Parties agree with such consolidation, they shall file by that same date a joint proposed Schedule of Proceedings which could include a 3-month negotiation period.