

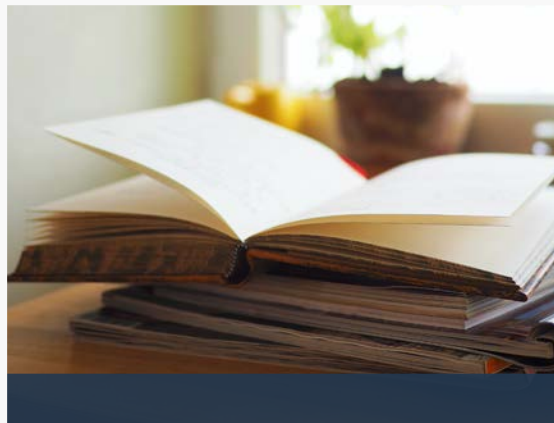


Copyright Board
Canada

Commission du droit
d'auteur du Canada

ANNUAL REPORT

2019-2020



Copyright Board of Canada
Annual Report 2019-2020

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Copyright Board
of Canada



Commission du droit d'auteur
du Canada

August 28, 2020

The Honourable Navdeep Bains, P.C., M.P.
Minister of Innovation, Science and Industry
Ottawa, Ontario
K1A 0A6

Dear Minister:

I have the honour of transmitting to you for tabling in Parliament, pursuant to section 66.9 of the *Copyright Act*, the thirty-second Annual Report of the Copyright Board of Canada for the financial year ending March 31, 2020.

Yours sincerely,

Approved by

Nathalie Théberge
Vice-Chair and
Chief Executive Officer



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Chair's Message

I am pleased to present the Copyright Board of Canada's 2019-2020 Annual Report. This report documents the Board's activities during the year in carrying out its mandate as an independent quasi-judicial administrative tribunal and economic regulator responsible for setting tariffs that are fair and equitable to both copyright owners and users of copyright-protected works.

The Copyright Board plays a central part in Canada's creative marketplace by ensuring that copyright holders receive fair and equitable compensation for the use of their works while users benefit from a stable marketplace. This in turn encourages innovation, invites investments and helps the Canadian creative industries grow and compete on the world stage.

Once again, 2019-2020 was a busy year for the Board:

First, 2019-2020 was the first full year of operations following the coming into force of the amendments made to the *Copyright Act* on April 1, 2019. The goal of the amendments were to modernize the legislative framework in which the Board operates with an overall view of improving the timeliness, predictability, and clarity of its proceedings and decisions, and reducing the regulatory burden and costs for all stakeholders. To this end, the amendments codified the Board's mandate, established decision-making criteria, set timelines for rendering decisions and formalized the Board's ability to implement case management.

While the full impact of these amendments is yet to be determined, the Board has devoted a great deal of its energy and resources during the year to achieve those goals. It has continued to

work closely with the Departments of Innovation, Science and Economic Development and Canadian Heritage to develop a new set of government regulations and a new set of Board regulations. The effect of these new sets of regulations – both of which are expected to be finalized in 2020-21 – will be to clarify the rules and expectations for all participants in the tariff-setting processes, and provide guidance on how to streamline and expedite those processes.

In preparing for the future implementation of its new regulatory regime, the Board launched and implemented several initiatives to help modernize the ways in which it manages its workload and supports its decisions-making process. These included (i) reworking the manner in which its decisions are expressed with a view to improving their clarity and how they are justified; (ii) establishing one-member panels for simple agreements and simple unopposed matters; and (iii) rethinking the Board's internal administrative practices.

Despite changes to the *Act* that clarify that all collectives may enter into licensing agreements with users, the Board continued to deal with a heavy workload this year. In addition to its existing backlog, the Board received nineteen new tariff proposals, filed on October 15, 2019 in accordance with the new legislative regime; twenty-one applications for licenses pursuant to the provisions of the *Act* that permit the use of published works when copyright owners cannot be located; and eighty agreements filed with the Board pursuant to s. 76 of the *Act*. The Board

also continued to deal with a number of complex decisions that are currently under advisement; and issued decisions in four substantial matters, which are described in more detail in this Report:

- » August 2, 2019 – Retransmission of Distant Television Signals, 2014-2018
- » December 6, 2019 – Access Copyright – Post-Secondary Educational Institution Tariffs, 2011-2014 and 2015-2017
- » December 11, 2019 – Withdrawal of Proposed Tariffs – Artisti – Phonograms and Online Music Services Tariffs, 2016-2018 and 2019 to 2021
- » December 13, 2019 – CPCC – Copying for Private Use, 2020-2021

Finally, the year 2019-2020 marked the 30th anniversary of the Board. Throughout its history and its many iterations, the Copyright Board has upheld the highest standards of professionalism and dedication in satisfying its mandate to set fair and equitable tariffs. And it has done so while adapting to the ongoing impact of lightning-speed digital and other technological changes that have completely transformed the approach to the use of copyright protected works, the world and its economy more generally. The Board's achievements were happily fêted in Ottawa last Fall, when present and former Members, staff and stakeholder representatives gathered to celebrate its stories and accomplishments over the years.

Before ending this message, I would like to thank the Vice-Chair, the Board Members and the Board's staff for their dedication, professionalism and expertise. Without their accomplished and knowledgeable assistance, the Board would not have been able to carry out its responsibilities as it did over the past year.

I have had the honour and privilege to be the Chair of the Copyright Board for the past five of those years. My term has expired and this will be my last message. I know the Board will continue to fulfill its mandate with distinction. I wish its Members, the staff, and its direction, well.

Approved by

The Honourable Robert A. Blair, Q.C.
Chair



Vice-Chair and CEO's Message

2 019-2020 was a year of transition for the Board, its first full year of operation under the new legislative regime that came into effect in April 2019. The amendments made to the *Copyright Act* clarified the Board's mandate and reinforced the need for clearer, faster and more effective processes.

This incentivized the Board to launch the LEAN project, an in-depth review of all of its business methods and internal processes. The goals of this project were to review all the steps involved in making a decision on a tariff proposal in order to identify the optimal sequences between these steps; to articulate the role and responsibilities of all parties involved; to identify any under-utilization of resources, to encourage the accountability of the parties, and to ensure the Secretariat provides optimal services to Board members, parties and the public.

The project required a joint effort from the entire staff of the Board. While the work is not completely finished, the Board today is a more effective, agile and resilient organization, ready to implement the new government and Board regulations when they come into effect, but also to facilitate the transition toward a fully electronic Board by 2023.

This impressive undertaking was made possible because the Board had a clear strategic vision for its operations, based on four objectives: the pursuit of effectiveness and efficiency, a desire for transparency and predictability for the parties, a commitment to sound management and the desire to be an employer of choice. This vision is also in line with an even broader objective, namely, to facilitate access to justice and to make the Board a leader among administrative tribunals in Canada and among other copyright tribunals around the world.

The work also allowed the Board to strengthen the engagement of its employees, who are at the heart of all its successes. Supported by a new performance framework, Board employees wholeheartedly championed the Board's desire to review its business methods and to further leverage innovation, transparency and diversity to better serve the Board members, the parties and the public.

To this end, the Board welcomed several new employees in 2019-20, including a new Secretary General, Lara Taylor, following the well-deserved retirement of Gilles McDougall, and a new Director of Operations, Véronique Desjardins. The new employees all add immense value to a strong, enthusiastic and dynamic team in support of a Board that is reinventing itself for the future.

Approved by

Nathalie Théberge
Vice-Chair and CEO



About the Copyright Board of Canada

Mandate

The Copyright Board of Canada (the “Board”) is the administrative tribunal that sets the royalties to be paid for the use of copyrighted works, when the copyright on such works are being administered collectively by a society. By making decisions on proposed tariffs, the Board helps to define the economic parameters that frame the cycle of use of works protected by copyright.

The mandate of the Board is defined in the *Copyright Act* (the “Act”). The Act provides that the Board intervenes in three areas, namely approving tariffs for works whose rights are managed by collective societies, the granting of licences for the use of works for which the right owners cannot be found, and arbitration in the event a collective society and user cannot agree on royalties.

The Copyright Board of Canada’s fundamental purpose is to establish fair and equitable tariffs and licences through timely and fair processes. This requirement is expressly stated in the *Copyright Act*: “The Board shall fix royalty and levy rates and any related terms and conditions under this Act that are fair and equitable [...]”. The requirement to have timely processes is also expressly stated in the Act: “All matters before the Board shall be dealt with as informally and expeditiously as the circumstances and considerations of fairness permit [...]”.

To deliver on its mandate, the Board is required to follow the principles of natural justice; base its work on solid legal and economic principles and reflect a solid understanding of constantly evolving business models and technologies. As an administrative tribunal, the Board must follow the decisions of the Federal Court of Appeal and of the Supreme Court of Canada which continuously shape the legal framework in which it operates.

Finally, the Board’s decisions are subject to judicial review, which means that cases from previous years can be reversed in whole or in part and sent back to the Board.

As an independent tribunal, the Board reports on its administrative activities to Parliament through the Minister of Innovation, Science and Industry.

Tariffs and royalties

The Board is mainly responsible for approving tariffs for:

- » the use of musical works, sound recordings and public performances by a wide range of entities including television stations, satellite radio, online music services, hotels and restaurants;
- » the use of literary works by educational institutions and governments;
- » the retransmission of distant television and radio signals, or the reproduction and public performance of current affairs programs or comments and any other television and radio broadcast, by educational establishments for educational purposes; and
- » the manufacture or importation of blank audio media for private copying purposes.

Unlocatable owners

When the copyright owner cannot be found, it is up to the Board to rule on requests for non-exclusive licences to use a published work, a fixation of a performance, a published sound recording or a fixation of a communication signal.

Arbitration and Agreements

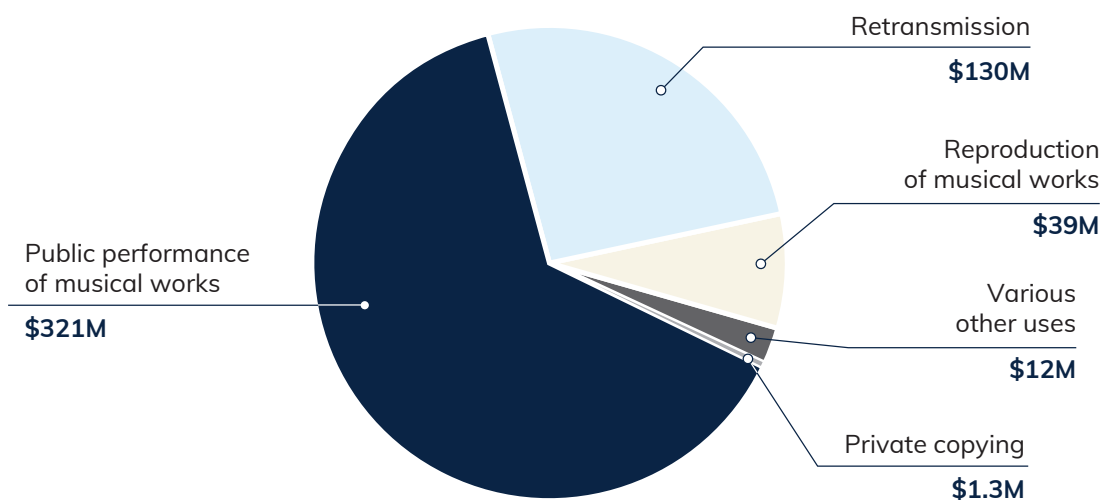
The Board sometimes acts as an arbitrator between various stakeholders (collective societies, users, individuals) in order to protect the public interest. In this spirit, it is responsible for:

- » determining the fees payable by a user to a collective society, where there is a disagreement;
- » examining the agreements reached between copyright collectives and users that are filed with the Board by one of the party if requested to do so by the Commissioner of Competition;
- » establishing the compensation to be paid by a copyright owner to a person for ceasing to perform protected acts, following the accession of a country to the Berne Convention, the Universal Convention or the Agreement Establishing the World Trade Organization, and that were not previously protected.

Royalties Generated by the Board's Tariffs

The total amount of royalties generated by the tariffs the Board certifies is estimated at \$503 million for the year 2018. The following chart shows the allocation of these royalties among the various types of uses. The public performance of musical works, which includes for example the tariffs to be paid by radio stations as well as restaurants, parks, cinemas and on-demand streaming, represents 64% of the royalties generated by tariffs certified by the Copyright Board in 2018. The retransmission regime comes in second, followed by the reproduction of musical works, private copying and all other uses.

Estimated royalties generated by Copyright Board tariffs in 2018 (by type of use)



Source: Copyright Board estimates, SOCAN and Re:Sound Annual Reports.

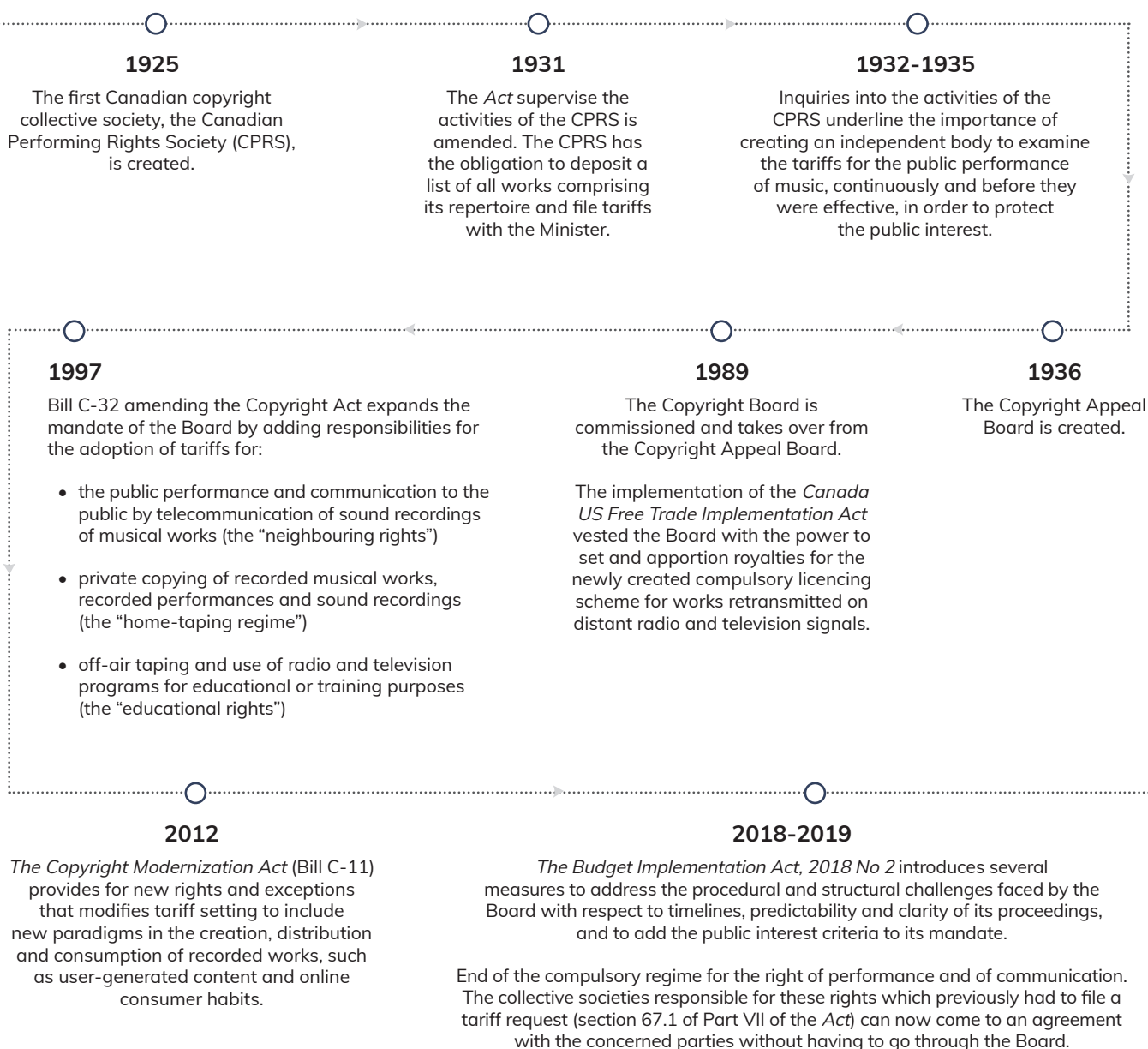
History

The Copyright Board of Canada was formally established in February 1, 1989 in its current form.

In addition to the powers that were previously bestowed upon the former Copyright Appeal Board, the newly formed Board was assigned two new areas of jurisdiction, namely the collective

management of rights other than the right to perform musical works, as well as the granting of licences for the use of works whose copyright owners are unlocatable.

Since then, the mandate of the Board has evolved to take into account the political, technological and economic changes that have influenced copyright, both at the domestic and international levels.



Governance

The Copyright Board consists of a maximum of five board members appointed by the Governor in Council for terms not exceeding five years, which can be renewed only once. The Chair must be a judge, either sitting or retired, of a superior, county or district court. The Chair directs the work

of the Board and assigns the tasks to the members. The Vice-Chair is also the Chief executive officer (CEO), and directs all the operations of the Board, including the management of its human and financial resources. With the exception of the Vice-Chair, the other board members assume their functions on a part-time basis.



Chair

The Honourable Robert A. Blair was appointed part-time Chair of the Board in May 2015 for a five-year term. Mr. Blair was appointed to the Court of Appeal for Ontario in November 2003, after serving for 12 years as a trial judge on the Superior Court. In both capacities, he has presided over matters involving almost all areas of the law, with a particular emphasis as a trial judge on cases on the Commercial List in Toronto and a continuing involvement with such cases at the appellate level. He received his B.A. (Hons.) from Queen's University in 1965 and his LL.B. from University of Toronto Law School in 1968. He was called to the Bar in Ontario in 1970 and received his Queen's Counsel designation in 1982.



Vice-Chair & Chief Executive Officer

Nathalie Théberge was appointed full-time Vice-Chair and Chief Executive Officer in October 2018 for a five-year term. Prior to her appointment, she was Director General of Creative Marketplace and Innovation at Canadian Heritage. She has also held various other senior leadership positions at that department, including Director General, Copyright and International Trade; Director of International Negotiations; and Director of Copyright Policy, Planning and Research. Ms. Théberge holds a Bachelor of Science (B.Sc.) and a Master of Science (M.Sc.) in Political Science from Université de Montréal.

Part-time Members



Adriane Porcin was appointed part-time Member in September 2018 for a four-year term. Ms. Porcin lectures in the Common Law program at Université de Sherbrooke. Before that, she was an Assistant Professor at the University of Manitoba Faculty of Law for four years. Although her research focuses on copyright law, she has been teaching a variety of subjects over the years. Ms. Porcin holds a Licence and Master degree from Aix-en-Provence's Faculty of Law and a Master degree from Université de Perpignan Faculty of Law.



Katherine Braun was appointed part-time Member in November 2018 for a four-year term. Ms. Braun is an economist whose career includes service with the United Nations working in collaboration with several international agencies on international development projects. She has also worked with the governments of Ontario and Alberta on public policy. Ms. Braun holds an MBA from the University of Saskatchewan and a Master degree in economics from the University of Geneva.



René Côté was appointed part-time Member in November 2018 for a four-year term. Mr. Côté is a retired professor of law at the Université du Québec à Montréal (l'UQAM), a member of the Quebec Bar since 1984 and a retired member of the same organization since 2015. Before that, M. Côté was Vice-President of Academic Affairs and Dean of the Political Science and Law Faculty of l'UQAM. On June 30, 2020, M. Côté was appointed President of the Conseil de la justice administrative du Québec. He has a particular interest in law as it relates to technologies and has authored many publications in the fields of computer law, international law and intellectual property law. Mr. Côté holds a doctorate in public international law from the Université Paris XNanterre and an LL.B. from l'UQAM.

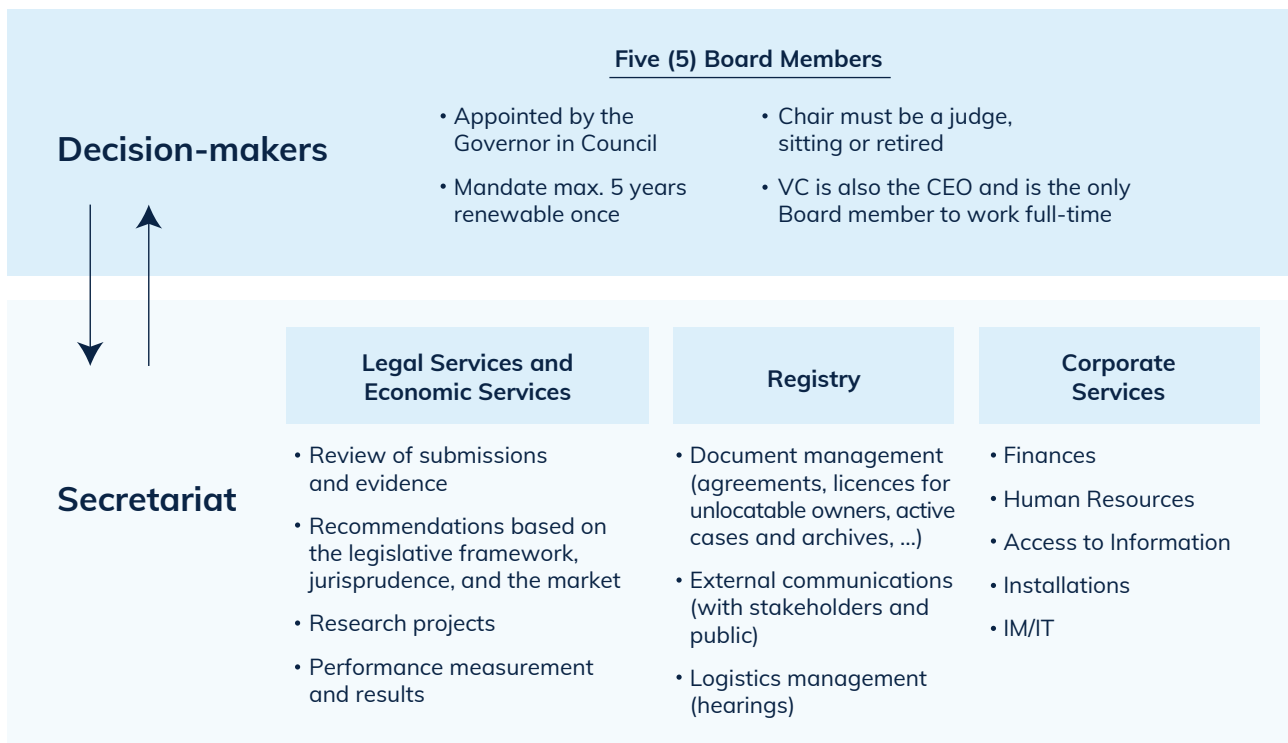
Internal Operations

The Board is a micro organization, consisting of 20 employees organized in four teams: legal services, economic and research services, the registry office and corporate services.

The role of the Secretariat is to support the Board members in their role as decision-makers and to ensure the smooth running of the Board's operations. The Secretariat is also responsible for

receiving and responding to requests from the public on matters related to its mandate. The offices of the Board are located in downtown Ottawa.

Please note that detailed information on the Board's resources, including financial statements, can be found in its Department Plan and its Departmental Results Report for 2019-2020. These documents are available on the Board's website www.cb-cda.gc.ca.



New Strategic Vision for the Secretariat

As a federal administrative tribunal, the Copyright Board of Canada is completely independent in its decisions. As an administrative entity as per the Financial Administration Act, the Board must comply with the Government of Canada's legal, regulatory and policy frameworks with respect to its activities and practices.

To guide its decisions in that regard, the Board adopted a new strategic vision, organizational objectives and expected outcomes for its Secretariat in 2019-2020:

The Board is recognized as a leader among federal administrative tribunals and other copyright tribunals worldwide for the quality of its work and its innovative practices.

Organizational Objectives

- » Effectiveness and efficiency
- » Transparency
- » Sound management
- » Employer of choice

Expected Outcomes

The Board is, and is expected to be, a credible institution, well-respected both by the creators and the users of copyrighted material, because of the efficiency of its operations and its unique expertise in copyright matters.

It has adapted and will adapt with resilience and agility to the challenges posed by a constantly evolving legal and economic environment, whether at the national or international level, while offering high-quality support to parties and the public requesting its services.



Year in Review

New legislative framework

The Board's mandate and responsibilities have considerably evolved since its creation in 1989 as a result of successive amendments to the *Act* in 1997, 2012 and most recently in 2018. The latest in particular introduced several measures with significant impact on the Copyright Board as they aim to address the procedural and structural challenges faced by the Board with respect to timeliness, predictability and clarity of its proceedings.

The legislative changes included the formalization of the Board's mandate to set fair and equitable rates for the use of copyright-protected content, and to act as informally and expeditiously as possible while preserving fairness. Two criteria that the Board has usually taken into consideration when rendering its decisions, the public interest and what a willing buyer and willing seller would agree upon in a competitive market, were specifically added to the Board's mandate. The changes also included a new framework for case management, streamlined timelines, more direct negotiation for a broader range of collectively managed rights, and the withdrawal of proposed tariffs that are no longer required.

Upcoming Regulations

Further to the changes to the *Copyright Act* that came into effect on April 1st, 2019, the Board initiated the development of a set of new regulations to articulate how it will conduct more efficient tariff-setting processes. These regulations aim to complement both the legislative amendments and the upcoming Governor-in-Council regulations currently being developed by the Government. By maximizing the efficiency and predictability of the processes it administers, the Board seeks to minimize administrative costs to Canadians from the setting of tariffs, including small business and individuals, while promoting better access to justice overall.

The work on the Board's new set of regulations is proceeding on schedule and regulations are expected to be introduced, following pre-publication and an opportunity for stakeholders to comment, in 2021.

Strategic priorities

Access to Justice

The changes in the *Copyright Act* and upcoming regulatory amendments are designed to support the Copyright Board in addressing delays in issuing tariffs and decisions. These delays have been criticized as contributing to uncertainty in the creative marketplace and lessening incentives for the creation and use of copyrighted works in Canada.

The updated legislation will help the Board move towards its broader goal of providing better and easier access to justice. Fiscal year 2019-2020 was one of deep transition as the Board reviewed and modernized its suite of internal processes to ensure that the implementation of the new legislative framework leads to more efficient processes. The upcoming set of Board regulations will support a more transparent tariff setting process by establishing clear rules and expectations for all participants and by providing guidance as to how processes will be expedited.

New approach to decision-writing

The Board's desire to increase access to justice also led to the implementation of a new approach to writing decisions, recognizing that, although the Board deals with extremely complex issues rooted in specialized legal and economic analysis, this does not justify issuing decisions that only the initiated or experts can easily understand. In an effort to render decisions that are clearer and shorter, the Board has adopted an issue-based style, using plain language and similar structure across decisions. Expert training was provided to all Board Members and staff in this regard.

One-Member Panels

The Board determined that more straightforward proceedings, such as unopposed tariff proposals or requests for licences for the use of work when the copyright owner is unlocatable (“unlocatables”), would be considered by one-Member panels to increase expediency and efficiency.

Innovation

LEAN project

Very early on, the Board determined that the implementation of the new legislative framework and upcoming regulations required a profound re-think of its operations and organisational culture. In the spring of 2019, the Board hired the external consulting firm *Lean Agility* to lead a thorough review of all its internal practices and set the foundation for a renewed organization. Every employee of the Board was involved in this exercise. Using the LEAN approach, every single step leading to the rendering of a decision in a typical Board process was mapped, with a view to identifying where timelines could be reduced and efficiencies could be obtained both from a time and resource perspective, while preserving the integrity and fairness of its procedures.

This unprecedented work has led the Board to change its operations from the core, including how its employees engage with Board Members in their decision-making activities and how analytical advice for Board Members is produced and communicated. The Board has also taken steps to foster a culture of efficiency to further reduce delays throughout its processes.

Finally, the Board reviewed its entire suite of internal policies and service agreements with other federal Departments to ensure continued alignment with Government of Canada policies and best practices, and optimal use of resources in support of its staff, Board Members, the government community, the parties and the public.

Improved transparency: practice notices and website

As a key step toward increasing efficiency and transparency in 2019-2020, the Board published a number of documents to clarify processes and more broadly help parties engage with the Board. These include four practice notices published in March and August 2019: the *Practice Notice on Electronic Files Submitted to the Copyright Board* [PN 2019-001], the *Practice Notice on Acknowledgement of Expert Witnesses* [PN 2019-002], the *Practice Notice on Sworn Statements or Solemn Declarations by Fact Witnesses in Oral Hearings* [PN 2019-003] and the *Practice Notice on Filing of Proposed Tariffs* [PN 2019-004].

Lastly, as a core part of the push towards improving transparency and modernization, the Board launched a complete overhaul of its website, which will present a new intuitive architecture and an improved navigation system; and moved forward in its use of social media, including Twitter, as a tool to promote its activities.

Toward a future e-Copyright Board

All of the work undertaken in 2019-2020 to modernize the Board’s internal processes and ensure greater transparency of proceedings plays a role in preparing the Board for a greater transition, towards greener and ultimately paperless operations, and ensuring a smooth migration to an all-electronic tribunal platform by 2023.



Board Operations in 2019–2020

Proposed statements of royalties filed by collective societies in 2019–2020

A total of 19 proposed statements of royalties were filed by collective societies for the year 2021 and beyond, as follows:

ARTISTI

- » Artisti – Satellite Radio Tariff, for the reproduction of performers’ performances by multi-channel subscription satellite radio services, for the years 2021 to 2023;
- » Artisti – CBC Tariff, for the reproduction of performers’ performances in connection with over-the-air radio broadcasting and on the Internet for the years 2021 to 2023; and
- » Artisti – Pay Audio Services Tariff, for the reproduction of performers’ performances by pay audio services, for the years 2021 to 2023.

ACCESS COPYRIGHT

- » Access Copyright – Post-Secondary Educational Institution Tariff, for the reproduction, communication to the public by telecommunication or making available to the public by telecommunication, or the authorization of any such act, of works in its repertoire for the years 2021 to 2023; and
- » Access Copyright – Provincial and Territorial Government Tariff, for the reproduction, communication to the public by telecommunication or making available to the public by telecommunication, or the authorization of any such act, of works in its repertoire for the years 2021 to 2025.

CMRRA and SOCAN

- » CMRRA/SOCAN – Non-Commercial Radio Reproduction Tariff, for the reproduction of musical works by non-commercial radio stations, for the years 2021 to 2023.

CMRRA, SOCAN, CONNECT/SOPROQ and ARTISTI

- » Commercial Radio Reproduction Tariff (CMRRA, SOCAN, Connect/SOPROQ, and Artisti, for the reproduction of musical works by commercial radio stations, for the years 2021 to 2023.

SOCAN

Tariffs for the public performance or the communication to the public by telecommunication of musical or dramatico-musical works, for the years 2021 to 2023:

- » Tariff 9 – Sports Events;
- » Tariff 22.A – Internet – Online Music Services;
- » Tariff 22.B – Internet – Commercial Radio, Satellite Radio and Pay Audio;
- » Tariff 22.C – Internet – Other Audio Websites;
- » Tariff 22.D.1 – Internet – Audiovisual Content;
- » Tariff 22.D.2 – Internet – User-Generated Content;
- » Tariff 22.D.3 – Internet – Allied Audiovisual Services;
- » Tariff 22.E – Internet – Canadian Broadcasting Corporation;
- » Tariff 22.G – Internet – Game Sites; and
- » Tariff 25 – Use of Music by Satellite Radio Services.

Tariffs for the reproduction of musical works, for the years 2021 to 2023:

- » Tariff 22.A.R – Reproduction of Musical Works Embedded in Music Videos for Transmissions by a Service (formerly SODRAC Tariff 6); and
- » Tariff 22.D.1.R – Reproduction of Musical Works Embedded in Audiovisual Works for Transmission by a Service (formerly SODRAC Tariff 7)

Requests for Arbitration

The Board did not receive any request for arbitration in the year 2019-2020.

Decisions

During the fiscal year 2019-2020, the Copyright Board rendered the following four decisions:

August 2, 2019 – Retransmission of Distant Television Signals, 2014-2018

This decision set the royalties to be paid for the retransmission of distant television signals in Canada for the years 2014 to 2018.

Link to the decision:

<https://decisia.lexum.com/cb-cda/decisions/en/424543/1/document.do>

December 6, 2019 – Access Copyright – Post-Secondary Educational Institution Tariffs, 2011-2014 and 2015-2017

This decision set the royalties to be collected by Access Copyright for the reprographic reproduction in Canada of works in its repertoire by post-secondary educational institutions for the years 2011 to 2014 and 2015 to 2017. An Erratum was issued on December 28, 2019.

Link to the decision:

<https://decisia.lexum.com/cb-cda/decisions/en/453965/1/document.do>

Link to the Erratum:

<https://decisia.lexum.com/cb-cda/certified-homologues/en/458751/1/document.do>

December 11, 2019 – Withdrawal of Proposed Tariffs – Artisti – Phonograms and Online Music Services Tariffs, 2016-2018 and 2019 to 2021

This decision approved Artist's application to withdraw the Phonograms proposed tariffs for the years 2016 to 2021 and the Online Music Services proposed tariffs for the years 2016 to 2021, pursuant to section 69 of the Act.

Link to the decision:

<https://decisia.lexum.com/cb-cda/decisions/en/481695/1/document.do>

December 13, 2019 – CPCC – Copying for Private Use, 2020-2021

This decision set the levies to be collected by CPCC for the sale, in Canada, of Blank Audio Recording Media for the years 2020 and 2021.

Link to the decision:

<https://decisia.lexum.com/cb-cda/decisions/en/454552/1/document.do>

Unlocatable Copyright Owners

Pursuant to section 77 of the Act, the Board may grant licences authorizing the use of published works, fixed performances, published sound recordings and fixed communication signals, if the copyright owner is unlocatable. However, the Act requires the applicants to make reasonable efforts to find the copyright owner. Licences granted by the Board are non-exclusive and valid only in Canada.

During the fiscal year 2019-2020, 21 applications were filed with the Board. The following 8 licenses were issued:

- » Pointe-à-Callière, cité d'archéologie et d'histoire de Montréal, Montréal, Quebec, for the reproduction and exhibition of a poster;
- » Roger Barrette, Québec, Quebec, authorizing the reproduction, the publication, the distribution, and the making available to the public of two photographs;

- » Gregory Michael John Koch, Vancouver, British Columbia, authorizing the mechanical and digital reproduction, the making available and the communication to the public by telecommunication of a musical work;
- » Cossette Communication Inc., Montréal, Quebec, for the reproduction, synchronization, and the communication to the public by telecommunication of a photograph in an advertisement;
- » Éditions du Quartz, Rouyn-Noranda, Quebec, authorizing the reproduction, the republication, and the distribution on paper of a text of two books;
- » Canadian Heritage, Gatineau, Quebec, authorizing the reproduction and exhibition in public of an artistic work;
- » Andrew Irvine, Kelowna, British Columbia, authorizing the reproduction, the publication, the distribution on paper by selling or other transfer of ownership, and the communication to the public by telecommunication of a photograph; and
- » Good Lovelies, Toronto, Ontario, authorizing the mechanical and digital reproduction, the distribution by transfer of ownership, the making available and the communication to the public by telecommunication of a musical work.

Furthermore, the following 3 applications were denied:

- » Application by Pointe-à-Callière, cité d'archéologie et d'histoire de Montréal, Montréal Quebec for the reproduction and exhibition of a photograph;
- » Application by Frank Lawrence, Hamilton, Ontario, for the reproduction of 12 old-time radio drama scripts; and
- » Application by Triumph Doc Inc., Toronto, Ontario, for the reproduction of a film.

Court Proceedings

Federal Court of Appeal

In January 2019, parties to the Tariff for the Retransmission of Distant Television Signals, 2014-2018 (issued August 2, 2019) applied to the Federal Court of Appeal for judicial review of the quantum of royalties payable for the retransmission of television signals, as decided by the Copyright Board on December 18, 2018. These cases are pending before the court under dockets No A-45-19 and A-47-19.

Agreements Filed with the Board

Pursuant to the *Act*, collective societies and users of copyrights can agree on the royalties and related terms of licences for the use of a society's repertoire. Filing an agreement with the Board pursuant to section 76 of the *Act* within 15 days of its conclusion shields the parties from prosecutions pursuant to section 45 of the *Competition Act*. The same provision grants the Commissioner of Competition appointed under the *Competition Act* access to those agreements. In turn, where the Commissioner considers that such an agreement is contrary to the public interest, he may request the Board to examine it. The Board then sets the royalties and the related terms and conditions of the licence.

In 2019-2020, 80 agreements were filed with the Board pursuant to section 76 of the *Act*.

Access Copyright filed 65 agreements which it concluded with the following organizations, granting them a licence to photocopy works in its repertoire:

- » HumanSystems Inc., Guelph, ON
- » Beijing New Oriental Training Inc., Toronto, ON
- » XanEdu Publishing, Ann Arbor, MI
- » Alberta Medical Association, Edmonton, AB
- » Anne and Max Tanenbaum Community Hebrew Academy of Toronto, Toronto, ON

- » LAD Custom Publishing, Buford, GA
- » Toronto Prep School Inc., Toronto, ON
- » Laureate International College, Toronto, ON
- » Ontario eSecondary School Inc., Brampton, ON
- » Rosseau Lake College, Rosseau, ON
- » Breamar House School, Brantford, ON
- » Timothy's Christian School, Etobicoke, ON
- » Invivo Communications, Toronto, ON
- » Greenwood College School, Toronto, ON
- » Fern Hill School, Ottawa, ON
- » Canada's National Ballet School, Toronto, ON
- » Académie Ste-Cécile International School, Windsor, ON
- » Webtree International School of Excellence, North York, ON
- » St-Clement's School, Toronto, ON
- » UMEI Christian High School, Leamington, ON
- » Timothy Christian School, Williamsburg, ON
- » Xerox Canada Inc., Mississauga, ON
- » Appleby College, Oakville, ON
- » Canada TEMS Academy, Waterloo, ON
- » Niagara Falls Collegiate Institute, Niagara Falls, ON
- » Calvin Christian School, Hamilton, ON
- » The Sterling Hall School, Toronto, ON
- » Grenville Management and Printing, Markham, ON
- » Quinte Christian High School, Belleville, ON
- » Laureate International College, Toronto, ON
- » Turnbull School Ltd., Ottawa, ON
- » College of Physical Therapists of BC, Vancouver, BC
- » College of Chiropractors of BC, Vancouver, BC
- » College of Traditional Chinese Medicine Practitioners and Acupuncturists of BC, Vancouver, BC
- » Crescent School, Toronto, ON
- » English Studies for Life in Canada, Langley, BC
- » The Bishop Strachan School, Toronto, ON
- » Enbridge Gas Inc., Chatham, ON
- » Solomon College, Edmonton, AB
- » Holy Trinity School, Richmond Hill, ON
- » Kempenfelt Bay School, Innisfil, ON
- » Hawthorn School for Girls, Toronto, ON
- » University of Toronto Schools, Toronto, ON
- » Trafalgar Castle School, Whitby, ON
- » Armbrae Academy, Halifax, NS
- » Walker Nott Dragicevic Associates, Toronto, ON
- » St-Michaels College School, Toronto, ON
- » Country Day School, Toronto, ON
- » Hope Reformed Christian School, Paris, ON
- » Upper Canada College, Toronto, ON
- » Toronto French School, Toronto, ON
- » Holy Name of Mary College School, Mississauga, ON
- » Walden International School, Oakville, ON
- » NOIC Academy, Markham, ON
- » Sobi Canada Inc., Oakville, ON
- » Bayview Glen School, Toronto, ON
- » Trinity College School, Port Hope, ON
- » Woodland Christian High School, Breslau, ON
- » Some Place Special Daycare and Academy – operating under the name of Wesley Christian Academy, Markham, ON
- » The York School, Toronto, ON
- » St. Andrew's College, Aurora, ON
- » The Royal St. George's College, Toronto, ON
- » Ridley College, St. Catharines, ON
- » Branksome Hall, Toronto, ON
- » Workplace Safety Prevention Services, Mississauga, ON

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- » Montreal School of Theology, Montréal, QC
- » *I.C.I. Influence Communication inc.*, Montréal, QC
- » *Référence Média*, Roberval, QC

CBRA filed 7 agreements with the Government of Canada in respect of its media monitoring activities:

- » Her Majesty the Queen in Right of British Columbia as represented by the Minister of Financer, Victoria, BC
- » Her Majesty the Queen in Right of Alberta as represented by the President of the Treasury Board and Minister of Finance, Edmonton, AB
- » Her Majesty the Queen in Right of Canada as represented by the Privy Council (PCO), Ottawa, ON

- » Her Majesty the Queen in Right of the Library of Parliament, Ottawa, ON
- » Her Majesty the Queen in right of Ontario as represented by the President of the Treasury Board, Toronto, ON
- » Her Majesty the Queen in Right of Canada as represented by the Minister of Public Safety and Emergency Preparedness (PSC), Ottawa, ON
- » Critical Mention, Inc., New York, NY

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