



Copyright Board
Canada

Commission du droit
d'auteur du Canada



ANNUAL REPORT

2020-2021



Copyright Board of Canada
Annual Report 2020-2021

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Copyright Board
of Canada



Commission du droit d'auteur
du Canada

August 31, 2021

The Honourable François-Philippe Champagne, 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, 2021.

Yours sincerely,

Approved by

Nathalie Théberge
Vice-Chair and
Chief Executive Officer



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Message from the Chair

As Chair of the Copyright Board of Canada (the Board), I am pleased to present its **2020-2021 Annual Report**.

This annual report documents the Board's activities in support of its mandate as an independent administrative tribunal and economic regulator responsible for establishing the royalties for the use of copyrighted works when the copyright of such works is administered collectively. The success of these activities lies in the Board's search for balance between fair and equitable remuneration for copyright owners and access to copyright-protected works for users.

The year 2020-2021 was extraordinary as an unprecedented pandemic changed civilian life and tested the adaptability of public institutions, including the Board. The Board deals with industries and stakeholders that have been particularly affected by the COVID-19 pandemic, including authors, performers, creators, producers, broadcasters and other copyright holders, businesses and collective societies. The economic conditions for the production, distribution and use of copyrighted material have been deeply disrupted since March 2020, and the consequences still have not been fully assessed or even measured to date. In 2020-2021, adaptability and flexibility were key as the Board had to reinvent the way it managed its operations, remotely, while ensuring the continuity of its services for stakeholders as many struggled to recover financially after an entire year of a pandemic.

In spite of these pandemic-related challenges and the slowdown of activities in some industries involved in the rate approval process, the Board's workload remained significant in 2020-2021. In addition to pending files, the Board received 21 new proposals tariffs submitted on or before October 15, 2020, as stipulated in the new legislative framework, and 21 licence applications for the use of works whose owners cannot be located as per section 77 of the *Copyright Act*. Also, 110 agreements were filed with the Board pursuant to section 76 of the Act. Finally, in 2020-2021, the Board issued 20 decisions, including two major decisions in complex files:

June 26, 2020 SODRAC v. CBC, 2008-2012 [[Redetermination](#)]

January 27, 2021 SODRAC v. CBC, 2012-2018 [[Determination](#)]

The Board's ability to render an increasing number of decisions leads us to conclude that the reforms implemented at the Board further to the 2019 amendments to the *Copyright Act* are beginning to show results, which is good news. The Board sees its future with determination and confidence, but also with pragmatism and realism because there are still many challenges ahead. In 2021-2022, the Board will have to support collective societies and users as they resume their activities by showing a willingness to listen to and understand them in a spirit of openness, dialogue and the search for results. It must also continue the consolidation of the changes undertaken since 2019, with a view to further improving its efficiency and the transparency of services it offers Canadians.

On a personal note, in October 2020, I accepted the mandate to lead the Board's work as its Chair for the next five years, thereby joining a team of experienced Board Members and professionals whose skills, experience and values make the Board an internationally recognized institution. Their professionalism and dedication to the Board, despite the many challenges they had to face this year, must be commended. The results presented in this Annual Report show that the institution has taken the right path and I am proud to be able to support it in this undertaking as its Chair.

Approved by

The Honourable Luc Martineau, Chair



Message from the Chief Executive Officer

The federal administrative tribunals community was greatly affected by the COVID-19 pandemic, and the Copyright Board was no exception. Fortunately, the modernization efforts initiated in 2019-2020 allowed the organization to tap into its newfound agility to quickly adapt to this unprecedented reality. In particular, the Board shifted all of its operations to a virtual environment with little impact on productivity and quality of services. The Board demonstrated that it was attentive to parties' needs by adapting its procedures, granting requests for extensions of time in files under consideration, and by integrating the impact of COVID-19 into the analysis of proposed tariffs.

2020-2021 was a year of great upheavals, despite which the Board was able to stay the course with its objectives of greater effectiveness, efficiency and transparency, which stem from the changes made to the *Copyright Act* in 2019 and the new government regulatory framework that came in effect in 2020. And the results are there: the modernization of corporate services is almost complete owing to a more robust financial management framework and an increased ability to communicate with Canadians via a more comprehensive and user-friendly website and a Twitter account. Internal human resources management practices were reviewed to promote recruitment, professional development, diversity and inclusion, and of course, employee well-being. Information management practices were also the focus of the Board's attention, notably the digitization of numerous documents of business value and the initiation of work that will lead to a virtual registry in 2023.

At the same time, the internal reorganization of work to support tariff approval processes, the cornerstone of the Board's modernization, continued. 2020-2021 marked the implementation of the new government regulatory framework which sets deadlines for rendering decisions. Results are positive thus far, as demonstrated in this report and in the number of decisions published.

Modernizing an institution goes beyond simply reducing delays, and we are well aware of this. In addition to reducing delays, a complete culture and vision overhaul must accompany a renewed Board on the lookout for developments in the copyright marketplace and jurisprudence; and able to play its dual role as an independent administrative tribunal and economic regulator, in consideration of the public interest.

At the heart of these accomplishments are the Board employees and the three part-time Members, whose expertise and dedication are remarkable. They have all been confronted, like never before, to the joys and challenges of telework, and we thank them for their resilience and flexibility. We also had the pleasure in 2020-2021 of welcoming our new Chair, the Honourable Luc Martineau, to whom we wish the very best in his new capacity.

Approved by

Nathalie Théberge
Vice-Chair and CEO



About the Copyright Board of Canada

Mandate

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 content whose rights are managed by collective societies, the granting of licences for the use of content for which the right owners cannot be found, and arbitration in the event a collective society and users 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 is also constrained by 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 works embedded in distant television and radio signals, or the reproduction and public performance of a television and radio broadcast, by educational establishments for educational purposes; and
- the manufacture or importation of blank audio media for private copying purposes.

Unlocatable Copyright 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.

Other Aspects of the Board's Mandate

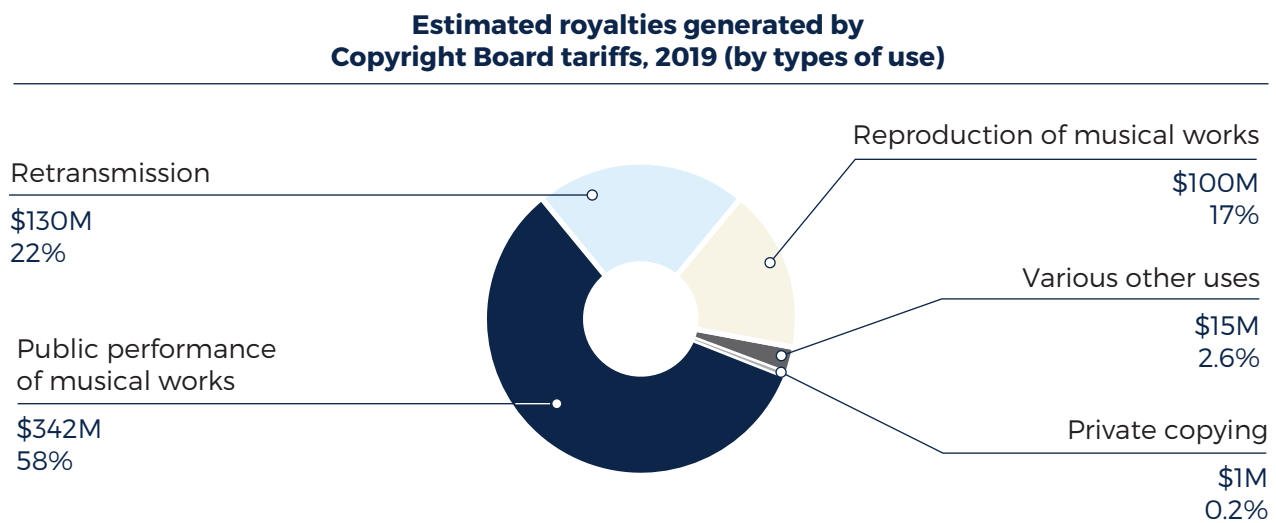
Collective societies and users of copyrights can agree on the royalties and related terms of licences for the use of works in a collective society's repertoire. In order to protect the public interest, the Board may be required to do the following with respect to agreements:

- where there is a disagreement between the parties and on application by either party pursuant to section 71 of the Act, fix the royalties payable and/or any related terms and conditions for the use of works;
- if requested to do so by the Commissioner of Competition, examine the agreements between copyright collectives and users that have been filed with the Board by either party pursuant to section 76 of the Act.

The Board is also responsible for 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 an international treaty, notably the WIPO Performances and Phonograms Treaty, 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 to approximately \$588 million in 2019, based on the annual reports of collective administration societies and internal Board estimates. The following chart shows the allocation of these royalties among the various types of tariffs approved. The public performance of musical works, which includes for example the tariffs to be paid by radio stations as well as restaurants and cinemas, represents 58% of the royalties generated in 2019, followed by the retransmission regime, the reproduction of musical works, various other tariffs and private copying.



Source: Annual reports of some collectives and Board internal estimates.

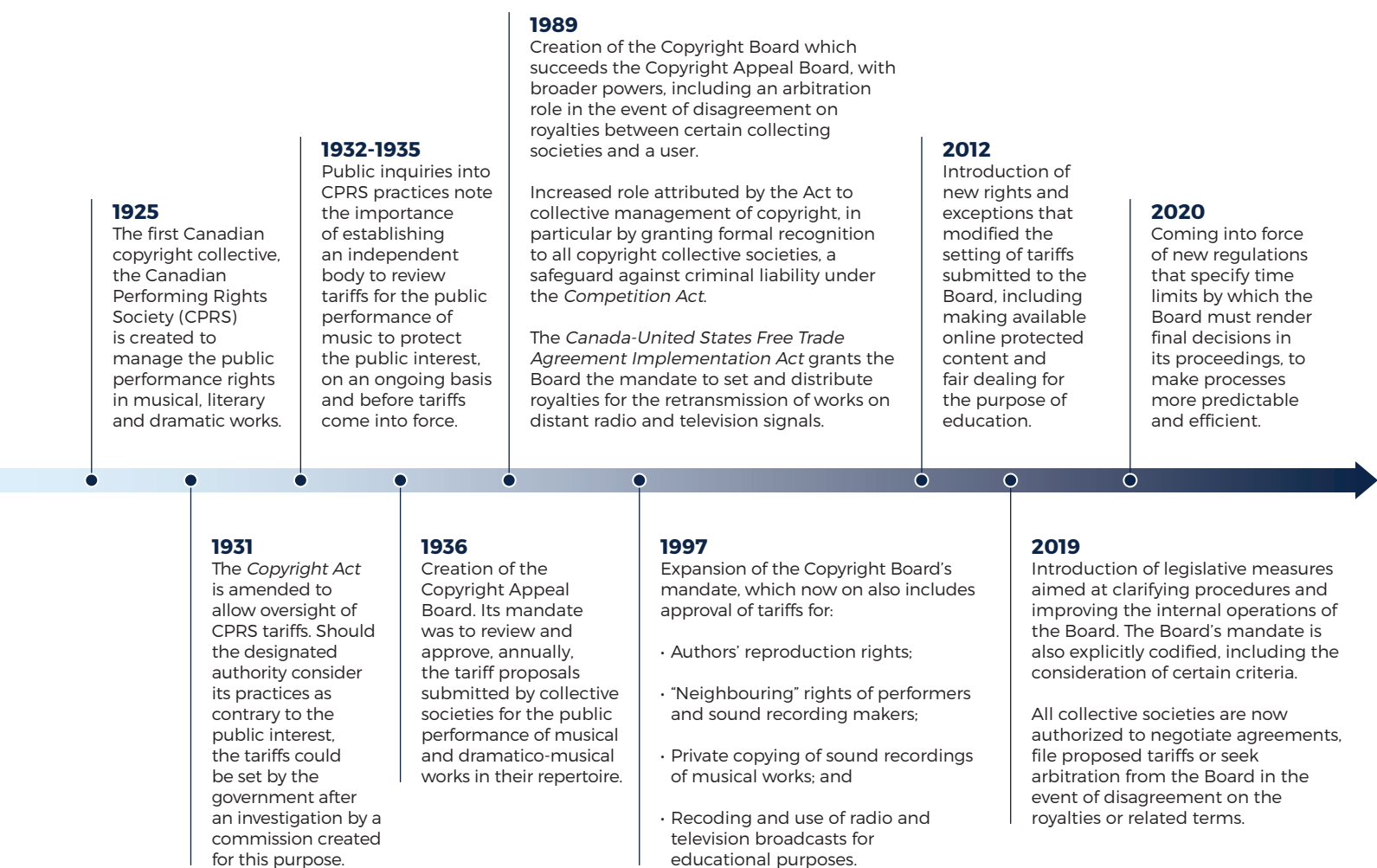
* Some estimates were updated based on more recent information from the collectives' annual reports.

History

The Copyright Board of Canada was formally established on 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's mandate was expanded over the years beyond the approval of tariffs for the public performance of musical works and the granting of licences for the use of works whose copyright owners are unlocatable.

The mandate of the Board has continuously 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 of 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.



Chairperson

The Honourable Luc Martineau was appointed Chair of the Copyright Board of Canada in October 2020 for a five-year term. Justice Martineau was a sitting judge of the Federal Court until his retirement on August 30, 2021. He was appointed Judge of the Federal Court of Canada, Trial Division and ex officio member of the Court of Appeal, January 25, 2002 and Judge of the Court Martial Appeal Court of Canada on April 18, 2002. On July 2, 2003, the date of the coming into force of the *Courts Administration Service Act*, he became Judge of the Federal Court. Justice Martineau was also a member

and then President of the Public Servants Disclosure Protection Tribunal from 2007 to 2014. Prior to this, Justice Martineau established his own firm as a lawyer, arbitrator and mediator in Montréal from 1996 to 2002. He was a partner at Langlois Robert from 1990 to 1996 and an associate and partner at Robert, Dansereau, Barré, Marchessault & Lauzon in Montréal from 1981 to 1990. Justice Martineau was Legal Counsel to the President of the Canada Labour Relations Board from 1979 to 1981. Justice Martineau holds a LL.L (1977) and LL.M (1985) from the University of Ottawa. He has been a member of the Bar of Quebec since 1978.



Vice-Chair & Chief Executive Officer

Nathalie Théberge was appointed full-time Vice-Chair and Chief Executive Officer of the Copyright Board of Canada in October 2018 for a five-year term. Prior to her appointment, she held various senior executive positions within the federal government, notably as Director General of Creative Marketplace and Innovation and Director General of International Trade and Copyright Policy at the Department of Canadian Heritage, and Director of the International Network on Cultural Policy. Ms. Théberge currently co-chairs the Council of Federal Tribunal Chairs and sits on the Steering

Committee for the Heads of Federal Agencies. Ms. Théberge holds a Master of Science (M.Sc.) in Political Science from Université de Montréal and several certifications in change management, coaching and leadership.

Part-time Members



Adriane Porcin was appointed as a 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, a Master degree from Université de Perpignan Faculty of Law and a MBA from Université du Québec à Montréal.



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.

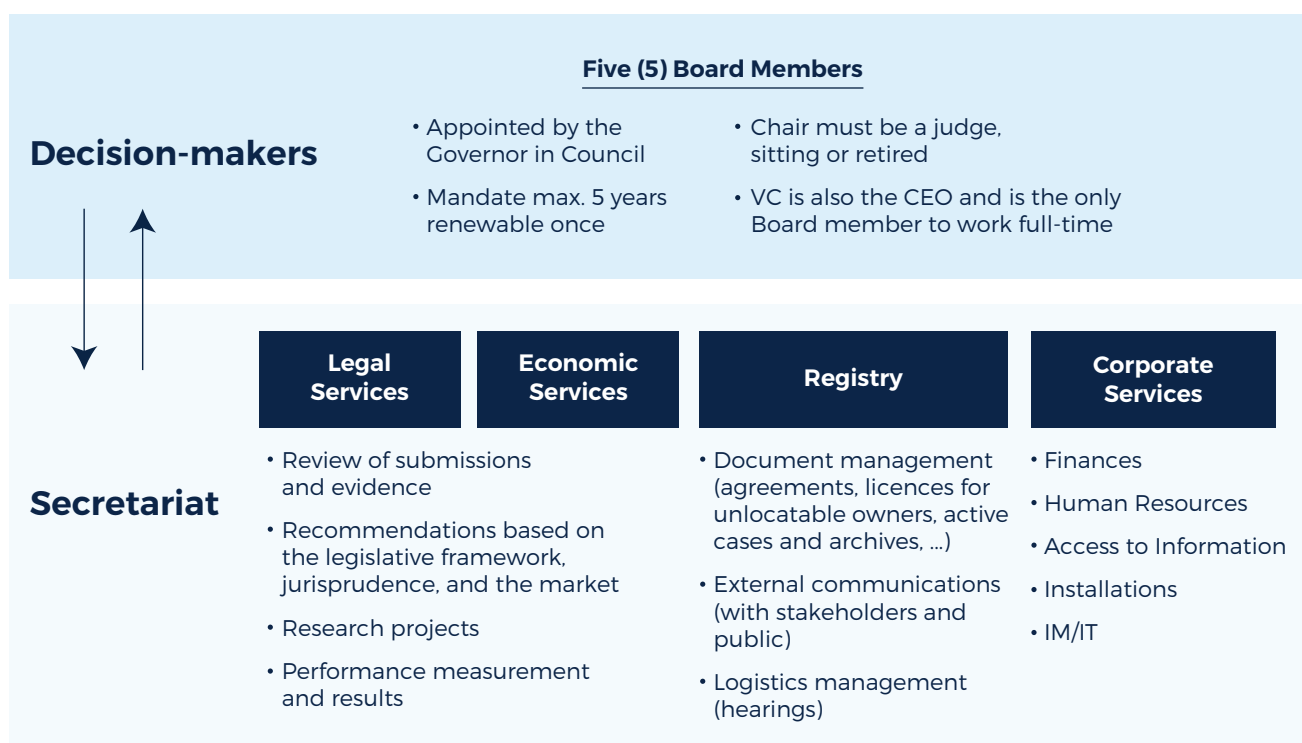


René Côté was appointed part-time Member in November 2018 for a four-year term. In June 2020, M. Côté was appointed President of the Conseil de la justice administrative du Québec. M. Côté is a retired professor of law at the Université du Québec à Montréal (UQAM), a member of the Quebec Bar since 1984 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 UQAM. 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 X-Nanterre and an LL.B. from UQAM.

Internal Operations

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

The Secretariat supports the Board Members in their role and ensures the smooth running of the Board's operations. The Secretariat is also responsible for receiving and responding to the 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 2020-2021. These documents are available on the Board's website.

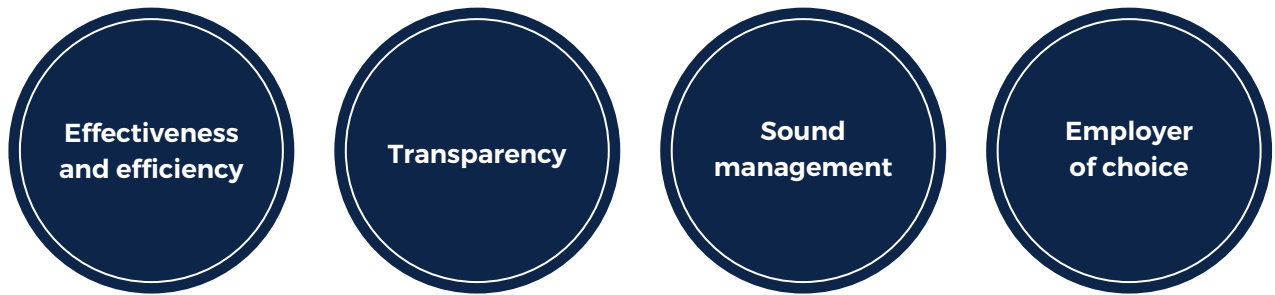
Strategic Vision for the Secretariat

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, the Board adopted in 2019-2020 a strategic vision, organizational objectives and expected outcomes for its Secretariat:

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



Expected Outcomes

The Board strives 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.





Board Operations in 2020-2021

Year in Review

Delivering on its commitments in the face of a challenging year

The Board experienced a major transition in 2019-2020, that began with the coming into force of the changes made to the *Copyright Act* in April 2019 and continued with the onboarding of new leadership and an in-depth review of internal Board processes. Fiscal year 2020-2021 was planned as a year to consolidate these changes; simplify its operational structure and decision-making process; render last decisions implicating the former Board Members; and put in place measures to position the Board and Parties for success in implementing the new government regulations on deliberation timelines, in force as of December 2020.

The COVID-19 global health crisis early in 2020-2021 created considerable challenges for the Board, as it did for all federal institutions. The Board was able to adapt its priorities to this new reality, and found practical and effective ways to continue its services in the face of uncertainty and constant change, both for itself and in consideration of its stakeholders. The Board was well positioned internally, having already integrated remote work into its business practices, and was able to respond quickly to the needs and interests of parties and stakeholders, like small businesses, dramatically affected by the pandemic.

Despite these unanticipated challenges created by the COVID-19 situation, the Board succeeded in delivering on its 2020-2021 commitments, and the modernization of its operations is showing early results:

- The Board issued 20 decisions, including 2 related to major cases and implicating former Board Members;
- The Board also issued 9 decisions related to the use of works with unlocatable owners, all issued within 45 days, as per our service standards;
- While the pandemic forced the Board to postpone or cancel some of its planned activities, the shift to a completely virtual work environment accelerated both the need and the opportunity to focus on digitization and information management. The Board initiated the development of a virtual registry this year, an e-filing system for use by the Board and Parties expected to be in place in 2023. The Board also adapted its activities to the pandemic by modifying, when requested by parties, certain timelines related to procedural steps and applying a “COVID lens” to its assessment of files, with a view to minimize impact on parties, including businesses that were closed for various lengths of time over the last year;
- The Board completed the implementation of the new government regulations, specifying time limits and related rules for the Board’s proceedings and decision-making. The Board also made progress in finalizing its own regulations, expected to be published in 2022;
- The Board’s Twitter feed and updated website were officially launched in June and September 2020 respectively, as part of its strategy to foster better public access to information about the Board and its decisions. To improve access and searchability, the Board has made available all of the decisions since its creation in 1989 on its website through the Decisia platform. Decisions since 2020 are also available on CanLii, and discussions are ongoing with Lexum to make all previous

Board decisions available in due time. The Board also translated more than 300 past decisions relating to unlocatable owners, and digitized over 7,000 agreements filed as per section 76 of the *Copyright Act*;

- The Board published its *Guidelines for Economic Evidence Submitted to the Copyright Board of Canada*, to help Parties understand how to optimize their participation in Board proceedings. These guidelines clarify expectations regarding the presentation, scope and calibre of evidence, to facilitate its usefulness for Parties, Board staff, and ultimately, Board Members;
- Finally, the development of a new performance measurement framework remains a top priority for the Commission. However, the work that begun in 2020-2021 to review current indicators was delayed, as COVID-related priorities took precedence. Efforts will continue in this direction in 2021-2022.

The Board as employer of choice

As a micro-organization with a critical need for highly specialized expertise, the Board's greatest strength remains its people. Fostering workplace well-being was always a Board priority, but the changing circumstances renewed the importance in ensuring a healthy and safe work environment. Both staff and Board Members demonstrated remarkable resilience in pivoting to remote work and adapting not only to new work practices, but also to new technological tools and practices.

Acting as a responsible employer, the Board took several measures to ensure the well-being of its employees with respect to the wide-ranging impacts of the pandemic on them. The Board provided access to an Ombudsman service, and supported the work of its employee-driven Wellness Committee. Given the limitations to face-to-face professional development resources, the Board gave priority to online learning opportunities, in addition to offering coaching to its employees. The Board also conducted two surveys, in July 2020 and February 2021, to assess the impact of the pandemic and telework on its employees. Results from these surveys and the Public Service Employee Survey conducted in 2020-2021 helped identify issues and areas where improvements were needed.

Finally, the Board joined the 50/30 Challenge in December 2020, as part of its commitment to promote diversity and foster inclusion across its activities. This initiative, led jointly by the Government of Canada, businesses and diversity organizations, challenges Canadian organizations to foster inclusion and increase the representation of diverse groups in their workplaces.

Transitioning to the “new normal” for 2021-2022 and beyond

Fiscal year 2021-2022 presents opportunities to create a post-pandemic “new normal”. The Board is ready to start this process, exploring with the Council of Federal Tribunal Chairs (co-chaired by the Board's Vice Chair) how administrative tribunals can pivot to take advantage of a more virtual judicial environment. Building on its successes, best practices and the work under way to implement a virtual registrar by 2023, the Board will be ready to face the future challenges of its constantly changing legal, economic, and operational environment with resilience and agility, to the benefit of rights holders, users and Canadians in the copyright marketplace.

Decisions: Tariffs and Arbitration

During the fiscal year 2020-2021, the Copyright Board rendered the following **20 decisions**:

Artisti

CBC (2015-2017 and 2018-2020)	Tariff Withdrawal	June 26, 2020
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Re:Sound

Non-Commercial Simulcasts and Webcasts (2013-2019)	Tariff 1.B.2	December 4, 2020
Background Music Suppliers (2014-2018)	Tariff 3.A	October 9, 2020
Use of Recorded Music to Accompany Dance (2013- 2018)	Tariff 6.A	July 31, 2020
Use of Recorded Music to Accompany Fitness Activities (2018-2022)	Tariff 6.B	September 11, 2020
Use of Recorded Music to Accompany Adult Entertainment (2019-2023)	Tariff 6.C	February 26, 2021

SOCAN

Radio – Non-Commercial Radio other than the Canadian Broadcasting Corporation (2018-2021)	Tariff 1.B	August 7, 2020
Television – Ontario Educational Communications Authority (2018-2022)	Tariff 2.B	August 7, 2020
Television – Société de télédiffusion du Québec (2018- 2022)	Tariff 2.C	August 7, 2020
Adult Entertainment Clubs (2018-2022)	Tariff 3.C	August 7, 2020
Exhibitions and Fairs – Attendance at musical concerts (2018-2021)	Tariff 5.B	August 7, 2020
Strolling Musicians and Buskers; Recorded Music and Marching Bands; Floats with Music (2018-2022)	Tariffs 10.A, 10.B	September 4, 2020
Circuses, Ice Shows, Fireworks Displays, Sound and Light Shows and Similar Events (2018-2022)	Tariff 11.A	August 7, 2020
Public Conveyances (2018-2022)	Tariffs 13.A, 13.B, 13.C	August 7, 2020
Recreational Facilities Operated by a Municipality, School, College, University, Agricultural Society or Similar Community Organizations (2021-2022)	Tariff 21	August 7, 2020
Jurisdictional Ruling (2007-2018)	Tariff 22.D.3	July 9, 2020

SOCAN, Re:Sound

Radio – Canadian Broadcasting Corporation (SOCAN: 2015-2018; Re:Sound: 2012-2019)	Tariff 1.C	November 13, 2020
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CMRRA, SOCAN, Connect/SOPROQ, Artisti

Commercial Radio Reproduction (2020-2023)	Tariff	December 11, 2020
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Arbitration

SODRAC v CBC (2008-2012)	Redetermination	June 26, 2020
SODRAC v CBC (2012-2018)	Determination	January 27, 2021

Unlocatable Copyright Owners

Pursuant to section 77 of the Act, the Board may issue 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 2020-2021, 21 licence applications were filed with the Board. In addition, 27 requests were processed, including 9 decisions rendered. The other files (18) were closed for various reasons, including for example if the request was withdrawn or if the rights holders were located.



The following 2 licences were issued:

Bibliothèque et Archives nationales du Québec (BANQ) , Montréal, Quebec	Reproduction, making available and communication to the public by telecommunication of photographs
The Slieves , Ducan, British Columbia	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

The following 7 applications were denied:

Vincent Beaulne , Montréal, Quebec	Reproduction of a poem
Bibliothèque et Archives nationales du Québec (BANQ) , Montréal, Quebec	Reproduction of four films
Carrefour jeunesse-emploi Côte-des-Neiges , Montréal, Quebec	Reproduction of six photographs
Ruth A. Thideman , Quesnel, British Columbia	Reproduction of photographs featured on postcards
Eyesteel (CHW8) Productions Inc. , Montréal, Quebec	Reproduction of an excerpt of a television program
Bob Muggeridge , St. John's, Newfoundland	Reproduction of the poem 'The Day Is Done' by Henry Wadsworth Longfellow
Sylvie Genest , Montréal, Quebec	Reproduction of a photography of Gaston Rochon in Paris (1967)

Court Proceedings

Federal Court of Appeal

On June 5, 2020, the Federal Court of Appeal rendered two decisions on judicial review of decisions of the Board:

[Entertainment Software Association v. Society of Composers, Authors and Music Publishers of Canada](#), 2020 FCA 100, regarding the scope of the right of communication to the public by telecommunication in relation to the act of making content available online. Leave to appeal this decision was granted by the Supreme Court of Canada on April 22, 2021 (Docket [39418](#)).

[CMRRA-SODRAC Inc. v. Apple Canada Inc.](#), 2020 FCA 101, pertaining to the fees applicable to such acts of making available.

Proposed Tariffs Submitted by Collective Societies

A total of 21 proposed tariffs were filed in 2020, for the years 2022 to 2024:

Canadian Private Copying Collective (CPCC)

Private Copying	Tariff
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Re:Sound

Non-Commercial Radio	Tariff 1.B
CBC Radio and Simulcasts	Tariff 1.C
Satellite Radio Services	Tariff 4
Non-Interactive and Semi-Interactive Streaming	Tariff 8

SOCAN

Commercial Radio	Tariff 1.A
Non-Commercial Radio Other than the CBC	Tariff 1.B
Commercial Television Stations	Tariff 2.A
Cabarets, Cafes, etc. – Live Music	Tariff 3.A
Live Performance at Concert Halls, etc. – Popular Music Concerts	Tariff 4.A
Live performance at Concert Halls, etc. – Classical Music Concerts	Tariff 4.B
Exhibitions and Fairs	Tariff 5.A
Concerts at Exhibitions and Fairs	Tariff 5.B
Motion Picture Theatres	Tariff 6
Performance of an Individual Work	Tariff 14
Background Music in Establishments not Covered by Tariff 16 – Background Music	Tariff 15.A
Background Music in Establishments not Covered by Tariff 16 – Telephone Music on Hold	Tariff 15.B
Background Music Suppliers	Tariff 16
Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings	Tariff 17
Hotel and Motel In-Room Services	Tariff 23

SOCAN – SODRAC

Commercial Television	Tariff 2.A.R
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Request for Arbitration

On July 29, 2020, Sirius XM Canada Inc. (Sirius) for the purpose of its satellite radio and online services, applied to the Board to fix the royalty rates and related terms and conditions with respect to rights in the repertoire administered by the Canadian Musical Reproduction Rights Agency (CMRRA) for the years 2020-2025. Sirius also concurrently requested that the Board issue an interim licence that would govern these activities until the final arbitration decision.

Agreements Filed With the Board

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.

In 2020-2021, 110 agreements were filed with the Board, as detailed below.

Access Copyright (108 agreements)

- Neovasc, New Brighton, MN
- College of Speech and Hearing Health, Vancouver, BC
- Neovasc, New Brighton, MN
- Registered Psychiatric Nurses Association of Saskatchewan, Regina, SK
- Bayer Inc., Mississauga, ON
- Columbia International College, Hamilton, ON
- Associated Hebrew Schools of Toronto, Toronto, ON
- *Lycée Claudel*, Ottawa, ON
- Ontario Conference of the Seventh-day Adventist Church, Oshawa, ON
- Ashbury College, Ottawa, ON
- Peoples Christian Academy Inc., Markham, ON
- Toronto District Christian High School, Woodbridge, ON
- St. John's-Kilmarnock School, Breslau, ON
- Timothy Christian School, Barrie, ON
- ISNA High School, Mississauga, ON
- London Christian Academy, London, ON
- Prestige School Inc., Toronto, ON
- St. Thomas Community Christian School, St. Thomas, ON

- Trenton Christian School, Trenton, ON
- Sunnybrook School, Toronto, ON
- Bridgeway Academy Association, Dartmouth, NS
- King's-Edgehill School, Windsor, NS
- Montcrest School, Toronto, ON
- MacLachlan College, Oakville, ON
- Toronto Waldorf School, Thornhill, ON
- Toronto Heschel School, Toronto, ON
- Maranatha Christian Academy, Windsor, ON
- Rockway Mennonite Collegiate, Kitchener, ON
- Whitefield Christian Schools, Scarborough, ON
- King Christian School, East Gwillimbury, ON
- Robert Land Academy, Wellandport, ON
- Koinonia Christian Academy, Bloomingdale, ON
- Timothy Christian School, Owen Sound, ON
- Newmarket & District Christian Academy, Newmarket, ON
- Northumberland Christian School, Cobourg, ON
- Unity Christian High School, Barrie, ON
- Signet Christian School, North York, ON
- Town Centre Montessori Private Schools, Markham, ON
- John Knox Christian School Society of Mississauga, Oakville, ON
- Hillfield Strathallan College, Hamilton, ON
- Brampton Christian School, Caledon, ON
- Al-Taqwa Academy Foundation, London, ON
- Pretty River Academy, Collingwood, ON
- Hamilton District Christian High School, Ancaster, ON
- Rothesay Netherwood School, Rothesay, NB
- Upsala Christian School, Upsala, ON
- Great Lakes Christian College, Beamsville, ON
- Linden School, Toronto, ON
- St. Mildred's-Lightbourn School, Oakville, ON
- Dunnville Christian School, Dunnville, ON
- Bishop Hamilton Montessori School, Ottawa, ON

- London Christian High, London, ON
- Infection Prevention and Control Canada (IPAC), Winnipeg, MN
- Havergal College, Toronto, ON
- Elora Road Christian School, Guelph, ON
- Meadow Green Academy, Mississauga, ON
- Halton Hills Christian School, Georgetown, ON
- Camrose Public Library Board, Camrose, AB
- Herzing College (Winnipeg Campus), Winnipeg, MN
- Medicine Hat Public Library, Medicine Hat, AB
- Rosebud School of the Arts, Rosebud, AB
- Brandon University, Brandon, MB
- Saint-Paul University, Ottawa, ON
- Taylor University College and Seminary, Edmonton, AB
- Michener Institute of Education at UHN, Toronto, ON
- Mutual Fund Dealers Association of Canada, Toronto, ON
- Durham College of Applied Arts and Technology, Oshawa, ON
- Johnson and Johnson Inc., Markham, ON
- William and Catherine Booth University College, Winnipeg, MB
- British Columbia Institute of Technology, Burnaby, BC
- Border Regional Library, Virden, MB
- University of Moncton, Moncton, NB
- Regent Park School of Music, Toronto, ON
- Redeemer University, Ancaster, ON
- Swan Hills Municipal Library, Swan Hills, AB
- Lakefield College School, Lakefield, ON
- Orillia Christian School, Orillia, ON
- Alberta Innovates, Edmonton, AB
- Northern Ontario School of Medicine, Sudbury, ON
- Kohai Educational Centre, Toronto, ON
- Bonnechere Union Public Library, Eganville, ON
- Marathon Public Library, Marathon, ON
- The Regional Municipality of York, Newmarket, ON
- Mary, Mother of God School, Toronto, ON

- Islamic Foundation School, Toronto, ON
- Wilfrid Laurier University, Waterloo, ON
- Admaston Bromley Public Library, Douglas, ON,
- Trinity Christian School, Burlington, ON
- True North Christian Academy, Stayner, ON
- Crestwood School, Toronto, ON
- Eitz Chaim Schools, Toronto, ON
- St. George's (Islington) Church Nursery School Inc., Etobicoke, ON
- North Star Montessori, Mississauga, ON
- The Dunblaine School, Toronto, ON
- Reach Out Centre for Kids ROCK, Burlington, ON
- Abelard School, Toronto, ON
- Fulford Academy Inc., Brockville, ON
- North Shore Multicultural Society (NSMS), North Vancouver, BC
- Kingsway College, Oshawa, ON
- Grace Christian School, Charlottetown, PE
- Lac du Bonnet Regional Library, Lac du Bonnet, MB
- Oxford County, Woodstock, ON
- Sussex Christian School, Sussex, NB
- Vale Canada Limited, Mississauga, ON
- YMCA of Three Rivers, Cambridge, ON
- Bond Academy, Toronto, ON
- Human Resources Professionals Association, Toronto, ON
- Interprofessional Practice and Learning, Halifax, NS

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