

**COPYRIGHT BOARD OF CANADA****Notice of Grounds for Proposed Tariff**

Filed by CMRRA and SOCAN (the “**Collectives**”) on October 17, 2022

Proposed Tariff: *Non-Commercial Radio Reproduction Tariff, 2024-2026 (the “Tariff”)*

1. Description and examples of the activities covered by the proposed tariff.

The Tariff covers the reproduction of musical works in the repertoire of CMRRA or SOCAN by a conventional, over-the-air non-commercial radio station for the purposes of:

- (a) its radio broadcasting operations and simulcasting (the “**Broadcast Purposes**”); and
- (b) transmitting a musical work in a digital file via the Internet or another similar digital network as
 - (i) a part of a webcast, if the digital file contains only an individual musical work; or
 - (ii) a download, on-demand stream, or part of a webcast, if the file contains a “program segment” (as defined in the Tariff).

(the “**Online Purposes**”)

The Tariff also entitles a non-commercial radio station to authorize another person to reproduce a musical work for the purpose of delivering to the non-commercial radio station a file that can then be reproduced and transmitted for the Online Purposes.

The Tariff also entitles a non-commercial radio station to authorize members of the public in Canada to further reproduce, for their own private use, a musical work that has been reproduced and transmitted via the Online Purposes.

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The Tariff does not authorize the use of copy made under the Tariff in association with a product, service, cause or institution.

The Tariff also does not authorize the reproduction of a musical work in a medley, for the purpose of creating a mashup, or for use as a sample, in connection with Online Purposes.

The Tariff does not apply to any non-commercial audio service that is not a conventional, over-the-air radio broadcasting service.

2. Description of the group of users that are intended to be covered by the proposed tariff.

The Tariff applies only to non-commercial radio stations.

“Non-commercial radio station” means any AM or FM radio station other than a Canadian Broadcasting Corporation radio station, licensed under the *Broadcasting Act*, S.C. 1991, c. 11, by the CRTC as a station owned or operated by a not-for-profit corporation or organization, whether or not any part of its gross operating costs is funded by advertising revenues, including any station that is owned or operated on a not-for-profit basis, or any AM or FM radio station owned or operated by a similar corporation or organization, that holds a licence from the CRTC.

3. Explanation of how the royalty rates or levies were determined.

The royalty rates reflect the rates agreed upon for 2020 and subsequent years in the Non-Commercial Radio Reproduction Royalties Settlement Agreement (2003-2019) between the Collectives and the National Campus and Community Radio Association / L'Association nationale des radios étudiantes et communautaires (NCCRA), Arc Du Canada / Alliance Des Radios Communautaires (ARCC), and *L'Association des radiodiffuseurs communautaires du Québec* (ARCQ) (together, the “**Associations**”).

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4. Explanation of how the information that would be collected by the Collectives pursuant to the Tariff would be used.

Under the Tariff, non-commercial radio stations must provide basic information relating to the stations' income, financial statements (for a non-commercial radio station with gross operating costs of \$1,250,000 or greater), and operating costs (for a non-commercial radio station with gross operating costs of less than \$1,250,000).

Upon request from the Collectives, non-commercial radio stations must provide basic information relating to the use of the Collectives' repertoires.

The information collected under the Tariff is needed and would be used to calculate and verify the royalties paid by the stations and to distribute those royalties to the appropriate rights holders.

5. In the case of a proposed tariff based on a previously-approved tariff, identification and explanation of all changes not explained in any of the points above.

The Tariff differs substantially from, and is not based on, the certified [Non-Commercial Radio Reproduction Tariff \(2003-2017\)](#) (the "2003-2017 Tariff") as approved by the Copyright Board in its decision dated September 2, 2022, [2022 CB 12](#).

The Tariff is identical in substance to the proposed [Non-Commercial Radio Reproduction Tariff \(2021-2023\)](#) (the "2021-2023 Proposed Tariff").

6. Additional Information

[Practice Notice PN 2019-004 rev. 2](#) requires that a proposed tariff be filed together with a comparative document that compares the proposed tariff to any relevant last-approved tariff, unless the differences significant. Because the Tariff differs substantially from the 2003-2017 Tariff, a comparative document has not been filed. However, the Collectives have filed a comparison of the Tariff and the 2021-2023 Proposed Tariff, should that be of assistance to the Copyright Board.

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