

Copyright Board
Canada



Commission du droit d'auteur
Canada

[PN 2022-007]

August 5, 2022

Note: This Practice Notice, including any timelines established thereby, may be amended following the coming-into-force of the *Copyright Board Rules of Practice and Procedure*.

PRACTICE NOTICE ON THE FILING OF GROUNDS FOR OBJECTION

Requirement to File Notice of Grounds for Objection

Any user or their representative that files an objection to a proposed tariff must file a Notice of Grounds for Objection within 60 calendar days after the day on which the proposed tariff is published.

The information contained in the Notice of Grounds for Objection should help the Board and the collective society understand the specific reasons behind such objection.

Along with the Notice of Grounds for Proposed Tariff, the Notice of Grounds for Objection will help the Board identify potential issues to consider in its examination of a proposed tariff. These issues may be of a legal, economic, or practical nature.

The Notices of Grounds will also help the Board determine whether it should hold a hearing in respect of a proposed tariff (*Time Limits in Respect of Matters Before the Copyright Board Regulations*, SOR/2020-264, s. 5).

Contents of the Notice of Grounds for Objection

The Notice of Grounds for Objection must include, if applicable:

- 1. Any grounds for why the Board should not approve the proposed tariff despite any alteration of royalties or levies or fixation of terms or conditions.**

Examples of such grounds include issues regarding the authority of the collective society to authorize the uses in the proposed tariff; and whether the activities identified in the Notice of Grounds for Proposed Tariff actually engage the uses to which the proposed tariff would apply.

2. Any grounds for objecting to any royalty or levy rates in the proposed tariff.

These may be related to any payments required under the proposed tariff, including rates, the rate structure (the way the royalty amounts are calculated), minimum fees, or interest rates. The specific provision or provisions being objected to must be identified.

Any specific alterations or additions to the royalty or levy rate, or structure, that the Board should consider should be identified and described.

3. Any grounds for objecting to any terms or conditions in the proposed tariff.

These may include issues of practicality, feasibility, or cost of complying with the terms or conditions. The specific terms or conditions being objected to must be identified. Possible grounds may also include the absence of any terms or conditions.

Any specific alterations or additions to the terms or conditions that the Board should consider should be identified and described.

4. Any grounds not identified above.

Any grounds that the objector wishes to bring to the attention of the Board that do not fit within the categories above may be done under this provision. This may be, for example, the constitutionality of a provision engaged by the consideration of the proposed tariff.

The Notice of Grounds for Objection should use plain language and concrete examples that would be generally understood by other potential users of the proposed tariff and the collective society.

Additional Information

A person who files a Notice of Grounds for Objection, may, at the same time,

- i) propose alterations to the royalty rates and to the related terms and conditions;
- ii) propose new related terms and conditions; and
- iii) file additional information for the Board's consideration of the proposed tariff.

Each Notice of Grounds for Objection may be filed in the official language of the objector's choice.

No information in the Notice of Grounds for Objection may be designated as confidential.