

Copyright Board
Canada



Commission du droit d'auteur
Canada

[PN 2022-008]

August 22, 2022

PRACTICE NOTICE ON FILING AN APPLICATION TO WITHDRAW A PROPOSED TARIFF

General Statement

A collective society may, before a proposed tariff filed by it has been approved by the Board, make an application to the Board requesting that the proposed tariff be withdrawn (s. 69 of the *Copyright Act*).

The Board shall grant such an application, if the Board is satisfied that certain conditions have been met (s. 69.1).

Requirements

To help expedite the Board's consideration of the application, the Board requires that a collective society that makes such an application must also file the information identified below.

1. Information in support of s. 69.1(1)(a)

Screenshots or other electronic copies of, or links to, any notice posted on, as applicable,

- the collective's website; and
- any electronic platform commonly used by the affected users, such as a trade- or association- specific website.

2. Information in support of 69.1(1)(b)

Electronic copies of, as applicable,

- correspondence or other statements of affected users containing their express consent to the withdrawal of the proposed tariff;
- correspondence or other statements of affected users confirming or demonstrating that they have received a refund of the royalties from the collective; and
- all relevant agreements between the collective and the affected users. If there are significant issues with providing all relevant agreements, (*e.g.*, large number of agreements, confidentiality issues), the collective must provide—at least—a description of the acts, repertoire, and period covered by those agreements.

Where the collective asserts that s. 69.1(1)(b) is not applicable, the collective must provide an explanation of why this is so (*e.g.*, all royalties were paid pursuant to pre-existing agreements).