



[PN 2019-004 rev. 2]

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PRACTICE NOTICE ON FILING OF PROPOSED TARIFFS

General Statement

To facilitate the comprehension of proposed tariffs by prospective users and the public, and of the Board's processing and consideration thereof, proposed tariffs should meet standards regarding content and format.

Electronic Filing

Proposed tariffs shall be filed by email to registry-greffe@cb-cda.gc.ca in accordance with the *Practice Notice on Electronic Files Submitted to the Copyright Board* [PN 2019-001].

Document Format and Official Languages

Proposed tariffs and comparative documents shall be provided to the Board in each official language, and meet the following requirements:

- Font: Times New Roman
- Font style: Regular
- Font size: 12-point
- Line spacing: 125% or 1.25 times font size
- Margins: Normal (2.54 cm)
- Page size: Letter (21.5 cm by 28 cm)

These documents will be published by the Board as received. The Board will not format these documents, nor review them for clerical errors. The Board will indicate this on its website with the proposed tariffs.

Additionally, each proposed tariff shall include a header, in the form set out in the Annex to this Practice Notice.

Separate Document for Each Proposed Tariff

Proposed tariffs shall be filed in a separate, stand-alone document that contains all applicable terms and conditions.

Where multiple collectives propose a single tariff jointly, they may do so in a single filing. In all other cases, a proposed tariff should contain proposed royalties and related terms and conditions only in respect of the collective society that is filing the proposed tariff.

When preparing their proposed tariffs, collective societies must be ready for the Board to consider all activities covered in a given filed document in a single proceeding. As such, each lowest sub-unit of a proposed tariff should be filed separately.

A Tariff Is Not a Licence

A proposed tariff should not refer to itself as a licence. While both tariffs and licences permit the use of copyrighted material, the approval of a tariff does not thereby make it a licence. The Supreme Court of Canada has held that the legal effect of these instruments is not the same.¹

A proposed tariff should limit itself to “royalty and levy rates and any related terms and conditions”². The Board may decide to remove terms or conditions that it deems improper for a tariff. For example, the Board has previously amended proposed tariffs by removing provisions that related primarily to compliance and enforcement of the tariff.³

References to Other Proposed or Approved Tariffs

To facilitate comprehension and consideration of a proposed tariff, the scope, terms, and conditions of a tariff should be clearly defined and readily ascertainable from the proposed tariff itself. References to other documents—and in particular, ambulatory (i.e., a reference to a document that can change in the future) and circular (i.e., a reference to a document that references back to the proposed tariff) references—are therefore strongly discouraged.

¹ *York University v Canadian Copyright Licensing Agency (Access Copyright)*, 2021 SCC 32

² *Copyright Act*, RSC 1985 c C-42, s 68.1(1)(b)

³ *SOCAN Tariff 8 (2018-2022)*, 2022 CB 9; *SOCAN Tariff 11.B (2023-2025)*, 2022 CB 10; *SOCAN Tariff 20 (2018-2022)*, 2022 CB 11.

The Board may decide to address references to other documents by, for example, removing such references in the approved tariff, or—where the scope of the proposed tariff cannot be ascertained—decline to approve the proposed tariff altogether.⁴

Changes from Previously Approved Tariff

To assist the Board’s consideration of a proposed tariff where the activities covered thereby have previously been the subject of an approved or proposed tariff, the proposed tariff must be accompanied by a separate comparative document (*i.e.*, blackline) that

- i) compares the proposed tariff to the last-approved tariff covering the same, or substantially same, activities as the proposed tariff; or
- ii) where no such previously-approved tariff exists, compares the proposed tariff to the last-proposed tariff covering the same, or substantially same, activities as the proposed tariff.

A comparative document does not have to be provided where the differences between the documents are so significant as to make the comparison incomprehensible.

⁴ See *SOCAN Tariff 22 – Internet – Other uses of Music – Other Sites (2007-2013)* (6 November 2018) CB-CDA 2018-214 at para. 10.

ANNEX – Proposed Tariff Header

PROPOSED TARIFF

Filed with the Copyright Board by [Collective Society Name(s)] on [YYYY-MM-DD] pursuant to subsection [67(1) | 67(2) | 83(1)] of the *Copyright Act*

Proposed Tariff Title: [Proposed Tariff Title]

For the [list of rights (*e.g.*, reproduction or public performance) | activities for which a tariff may be set under ss. 29.7(2), 29.7(3), or 31(2)(d) (*e.g.*, retransmission of a distant signal) | manufacture or importation] of [subject-matter | blank audio recording media].

Proposed Short Title (if applicable): [Proposed Short Title]

Effective Period: [Start Date (YYYY-MM-DD)] – [End Date (YYYY-MM-DD)]

[NAME OF PROPOSED TARIFF (EFFECTIVE PERIOD)]

EXAMPLE

PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2020-10-15 pursuant to subsection 67(1) of the *Copyright Act*

Proposed Tariff Title: *SOCAN Tariff 1.B – Non-Commercial radio Other than the Canadian Broadcasting Corporation (2022-2024)*

For the communication to the public by telecommunication of musical or dramatico-musical works.

Proposed Short Title: *SOCAN Tariff 1.B Non-Commercial radio (2022-2024)*

Effective Period: 2022-01-01 – 2024-12-31

SOCAN TARIFF 1.B – NON-COMMERCIAL RADIO OTHER THAN THE CANADIAN
BROADCASTING CORPORATION (2022-2024)